

## HOUSE OF REPRESENTATIVES—Tuesday, June 25, 1991

The House met at 12 noon.

Imam Siraj Wahaj, member, American Muslim Council, Washington, DC, offered the following prayer:

In the name of God, most gracious, most merciful:

Praise belongs to Thee alone, Oh God, Lord, and Creator of all the worlds;

Praise belongs to Thee who shaped us and colored us in the wombs of our mothers; colored us black and white, brown, red, and yellow;

Praise belongs to Thee, who created us from males and females and made us into nations and tribes that we may know each other;

Most gracious, most merciful, all knowing, all wise, just God;

Master of the day of judgment, Thee alone do we worship and from Thee alone do we seek help;

Guide the leaders of this Nation, who have been given a great responsibility in worldly affairs, guide them and grant them righteousness and wisdom;

Guide them and us on the straight path, the path of those whom Thou hast bestowed Thy favors, the path of Your inspired servants, the path of Noah, Abraham, Moses, Jesus, and Muhammad;

Guide them and us not on the path of the disobedient ones who have earned Your wrath and displeasure. Amen.

## THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

## PLEDGE OF ALLEGIANCE

The SPEAKER. The gentleman from South Carolina [Mr. TALLON] will please come forward and lead the House in the Pledge of Allegiance.

Mr. TALLON led the Pledge of Allegiance as follows:

I pledge allegiance to the Flag of the United States of America, and to the Republic for which it stands, one nation under God, indivisible, with liberty and justice for all.

## MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed bills and a concurrent resolution of the following titles, in which the concurrence of the House is requested:

S. 1106. An act to amend the Individuals with Disabilities Education Act to strengthen such Act, and for other purposes,

S. 1204. An act to amend title 23, United States Code, and for other purposes; and

S. Con. Res. 49. Concurrent resolution authorizing the use of the rotunda of the Capitol for the unveiling of the portrait bust of President George Bush on June 27, 1991.

## WELCOME TO THE LEADER OF MASJID AL-TAQWA, SIRAJ WAHAJ, IMAM

(Mr. RAHALL asked and was given permission to address the House for 1 minute.)

Mr. RAHALL. Mr. Speaker, it is an honor for me to welcome to the House Chamber as guest chaplain, the Imam of Masjid al-Taqwa, Siraj Wahaj, of Brooklyn, NY.

He is the first Muslim leader to work in cooperation with the New York City Police Department, and he is nationally known for his leadership in establishing a drug-free zone in his drug-laden neighborhood of Bedford-Stuyvesant in Brooklyn. Siraj Wahaj works well within the community in which he was born, and where he has lived for 41 years.

Siraj Wahaj's leadership extends far beyond his local community. In addition to being a member of the Masjid al-Shura, the consultative committee of New York City, he serves on the advisory board of the Islamic Society of North America, and is a member of the board of directors of the American Muslim Council in Washington, DC.

Siraj Wahaj was one of the first Muslims to address Christians from the pulpit. His weekly radio program on WWRL-AM is popular with non-Muslims as well as with Muslims.

As he prayed for the Members of this body today, and the people we represent, I know his words entered the minds and will remain in the hearts of all those within the sound of his voice and the reading of his words.

## WHOSE OCTOBER SURPRISE?

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, yesterday a Member of the other body called for an investigation of charges about an alleged deal between Reagan campaign aides and Iran in 1980. This alleged deal would have kept American hostages in Iran until Ronald Reagan was elected President. The junior Senator from

Tennessee said: "Some deals should never be made \* \* \* whether arms for hostages or hostages for elections."

Based on information currently available, I know of no reason such an investigation should be undertaken. But if an investigation of an "October surprise" is held in the House, I am going to insist that the first matter to be investigated is the secret arms deal with Iran that President Jimmy Carter attempted on October 11, 1980.

Mr. Gary Sick, formerly a National Security aide to President Carter, has provided interesting, if incomplete, details about the arms-for-hostages swap attempted by the Carter administration during Carter's ultimately futile bid for reelection. Much more needs to be known.

To my knowledge, no Member of Congress was informed or consulted about this secret deal, and I do not recall President Carter telling the American people the specific details of the deal during the campaign. Why? Are there some facts about that secret deal the Carter administration still does not want to be made public?

In summary, Mr. Speaker, every single aspect of the Carter secret arms deal should be investigated if the House is intent upon looking into the "October surprise" issue.

## ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair will receive nine more requests on each side for 1-minute statements.

## MEDICAL WORKERS SHOULD BE TESTED FOR AIDS

(Mr. MAZZOLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MAZZOLI. Mr. Speaker, Saturday's New York Times carried an article and excerpts of a letter from Kimberly Bergalis of Fort Pierce, FL, to Florida State health authorities. It was a poignant letter because Kimberly in that letter describes how she is dying of AIDS contracted from her dentist. She describes how she has lost weight and developed sores, blisters, and fungus in her mouth.

Beyond the poignancy of the letter, it is also an angry letter, because her dentist, Dr. Acer, did not tell Kimberly he had AIDS, nor did he tell at least four other people who contracted AIDS from him. He did, however, tell Florida health authorities who, also, did not inform his patients of his condition.

□ This symbol represents the time of day during the House proceedings, e.g., □ 1407 is 2:07 p.m.

Matter set in this typeface indicates words inserted or appended, rather than spoken, by a Member of the House on the floor.

Mr. Speaker, it appears to me that all medical personnel, dentists, physicians, or any people who provide health care to us, ought to be tested periodically for the HIV virus. If they are infected, they should not perform any invasive medical procedures, and if they are infected, they should tell their patients and let their patients decide if they wish noninvasive procedures performed upon them.

Mr. Speaker, it is terrible to have AIDS. It is even worse to convey it to unsuspecting people without their having notice.

#### A TRIBUTE TO LEONARD MILLER ON HIS 86TH BIRTHDAY

(Mr. MCEWEN asked and was given permission to address the House for 1 minute.)

Mr. MCEWEN. Mr. Speaker, life is lived with happiness by the givers, and one of the things that makes this Congress function as well as it does is the giving people that we have here.

Tomorrow we celebrate the 86th birthday of Leonard Miller. Leonard works in the House dining room downstairs very faithfully. He and his wife, Hilda Jane, raised 2 children, but above and beyond that, throughout a lifetime of giving, they were foster parents to over 112 young Washingtonians.

Leonard was born in Charlotte, NC, on June 26, 1905. He continues to serve his country and us with distinction. On behalf of grateful Members of Congress, to Leonard Miller, we say, "Happy Birthday."

□ 1210

#### JAPANESE BURNT RICE

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TRAFICANT. Mr. Speaker, on one hand, Japan reached into TRW and fired Pat Choate, the author of the book, "Agents of Influence." On the other hand, two crooked Japanese businessmen resigned because of a scandal.

Now, think about it: a scandal in Tokyo, and Wall Street takes a bath. Think about it: When Japan wants to silence a Japan basher, they reach into corporate American and have him fired.

Listen here, folks: It has gotten so bad that when corporate Japan stirs its wok, Wall Street begins to smell the burnt rice. But it is not just the smelling of burnt rice on Wall Street that has me worried; it is that the American worker, and people like Pat Choate, have to eat that burnt rice.

To the Members of Congress the American workers are saying, nothing tastes worse or smells worse than that burnt rice.

#### THANK YOU, JOHN SUNUNU

(Mr. GALLEGLY asked and was given permission to address the House for 1 minute.)

Mr. GALLEGLY. Mr. Speaker, on May 16 of this year—after I had spent an increasingly frustrating week trying to persuade the INS to follow its own rules and allow two of my constituents to bring home their adopted baby from Romania—I called Gov. John Sununu for help.

The very next day, the INS relented and approved the visa, and within a week, my constituents, George and Shirley Sufferin, were at home with their new baby, Alyssa.

Mr. Speaker, the media can say what they will, but George, Shirley and Alyssa join me in thanking John Sununu from the bottom of our hearts for his compassion and his belief that our Government exists to help American citizens, not to hinder them.

#### REMARKS CONCERNING HOLOCAUST OFFENSIVE

(Mr. SMITH of Florida asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SMITH of Florida. Mr. Speaker, during the debate on the rule before we took up the Foreign Operations bill, remarks were made by the distinguished gentleman from Pennsylvania, the chief deputy whip of the House Republicans, Mr. WALKER, to which I took great offense. I am sure he didn't make these comments maliciously, but they were offensive nonetheless.

In protesting the content of the rule, Mr. WALKER read from a famous passage by Rev. Martin Niemöller, written during the time of the Holocaust, as if to say the House Republicans are being treated like the victims of Nazi Germany.

Please understand: The Jews and Catholics, the gypsies and the partisans of freedom and the innocents who were just in the way—when they were marched to the ovens, they were cold, they were naked, and they were hungry. They couldn't vote, and they had no motion to recommit. Words that compare the status of the House Republicans to those who were killed by an ogre do not sit well for those of us who carry with them the memories of the dead.

I understand that politics and political rhetoric is for tough guys, and I think I am pretty tough. But not tough enough to hear the words of Mr. WALKER without wincing, and not so tough that I can let them pass without mentioning how much those words hurt.

#### SMALL BUSINESS WORKERS NEED BASIC SKILLS

(Mr. IRELAND asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. IRELAND. Mr. Speaker, small businesses provide 67 percent of the first jobs for our Nation's workers. As such, it is not surprising to find that they are responsible for most of the on-the-job training of those workers in basic skills.

My colleagues, small business owners are finding it more and more difficult to find not only trained workers, but simply trainable workers, to perform basic, entry-level tasks.

And there is no end to this problem in sight. In fact, things are getting worse.

A math test recently given to eighth-graders around the country illustrates the point: American students are clearly deficient in problem-solving skills and in creative thinking. Their performance remains inferior to that of students in other industrialized countries.

My colleagues, we must act now to develop and enforce standards that will raise the quality of education in our Nation's schools. This country's 20 million small business employers are looking to us for no less.

Saying you are all for small business is easy. It is how you vote that really counts.

#### BIG BROTHER IS WATCHING

(Mr. ANDREWS of Maine asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ANDREWS of Maine. Mr. Speaker, Big Brother is watching. That was the warning to the citizens in George Orwell's novel, "1984," where individual rights fell victim to Big Brother government.

Big Brother is listening, is the warning to the citizens of George Bush's America in 1991, where the individual rights of women and the basic right to free speech are being victimized by a government-dictated gag rule.

The gag rule over what physicians can and cannot say to women in the privacy of a family planning clinic is an outrage. It says that government, not an individual patient, should decide what is in her best interest.

Big Brother got even bigger a few weeks ago, when the U.S. Supreme Court gave the thumbs up to this outrageous practice. It is now up to the Congress of the United States, whether Big Brother will be listening to family planning clinics across this country. Let us tell the President and the Supreme Court that it is none of their business what is said between the physician and a patient, that the individual rights of women and free speech mean something in America.

Mr. Speaker, let us lift the administration's gag rule, and let us cut Big Brother government down to size.



### IT'S TIME TO LIFT THE 1986 SANCTIONS ON SOUTH AFRICA

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, 5 years ago, Congress imposed trade and investment sanctions on the South African Government.

We told that Government that we would lift them only if they met five conditions. Those conditions were specific and they were tough.

Today, it is my view and the view of many others that those conditions have been met. It's time to lift the sanctions.

I should remind my colleagues that the sanctions we lift would involve primarily trade and investment. Tough sanctions in such areas as arms trade, IMF support, and intelligence cooperation would remain in place.

To lift the sanctions covered by the 1986 act, there is no requirement for congressional review—formal or informal. The only requirement is for the President to sign an executive order.

Yet some in this House want to stall. They want to move the goalposts, to make the conditions tougher than those mandated by law.

That is downright unfair. It violates the very sense of fair play and honest dealing that should characterize our foreign policy. We should deal honestly with the South African Government and lift the sanctions now.

### END DISCRIMINATION BECAUSE OF SEXUAL PREFERENCE IN MILITARY

(Mr. KENNEDY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KENNEDY. Mr. Speaker, today Capt. Greg Greeley was to start a new chapter in his life. With a new job and an honorable discharge from the U.S. Air Force, he was looking forward to civilian life. But these plans were put to an abrupt halt by the Air Force when they learned that Captain Greeley had participated in the Lesbian and Gay Pride Parade here in Washington on Sunday. Leave it to the Pentagon with the capacity to bomb enemy nations back to the stone age to exhibit thinking from the same era.

There has never been any evidence that Captain Greeley was ever less than courageous or served his country less than admirably. The fact that he is gay does not change that.

This witch hunt being conducted by high officials at the Pentagon fails any test of logic or common sense. Mr. Speaker, our brave men and women do not take a vow of celibacy when they join the military. So, how is it that a soldier who is gay is more of a security risk than a soldier who is straight and jumping from bed to bed.

We do not tolerate discrimination in the military because of race. We should not tolerate discrimination because of sexual preference. It is time to give gay and lesbian men and women the opportunity to serve this country openly without fear of recriminations or retribution.

### BUDGET RESPONSIBILITY ACT OF 1991

(Mr. ZIMMER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZIMMER. Mr. Speaker, today I will be introducing a proposed constitutional amendment called the Budget Responsibility Act of 1991. I believe that this is the strongest and most comprehensive budget control legislation ever introduced in the House.

Thomas Jefferson warned the American people not to put too much faith in the good intentions of their elected officials. Rather, he advised us to bind them down for mischief by the chains of the Constitution.

Mr. Speaker, this is exactly what my proposed constitutional amendment would do. In addition to mandating annual balanced budgets, my amendment would require two-thirds of the Members of both houses to agree to raise taxes or to increase the Federal debt. It would furthermore give the President line item veto authority.

Mr. Speaker, I urge Members to listen to their constituents. Taxpayers have tightened their belts. It is time for the Government to do the same. Please join me in answering the American people's call for responsible and limited Government spending.

### THE SOVIETS CAN AID THEMSELVES

(Mr. DORGAN of North Dakota asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DORGAN of North Dakota. Mr. Speaker, President Bush and Congress are being asked these days to give financial aid to the Soviet Union. Let me be clear: I support President Bush's decision to extend credit for the Soviets to buy grain, and I want Mikhail Gorbachev to succeed in his campaign for openness in the Soviet Union.

But financial aid from the United States to the Soviets? The Soviet Union, a country that spends \$300 billion a year on defense, needs us to send them financial aid or foreign aid?

□ 1220

Well, not many people in this country could or should swallow that line. If the Soviets want aid, they can aid themselves quickly and effectively. The Soviets can help themselves by

cutting their military spending, by building a few less bombers, a few less missiles, a few less warships.

The Soviets should cut their military spending and aid themselves. As for America it is time for us to invest again here at home for our future.

### SUPPORT FOR JOHN SUNUNU

(Mr. ZELIFF asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ZELIFF. Mr. Speaker, I rise today to pay tribute to a friend and ally, who is under attack from the pack of media wolves, John Sununu. It is no secret to my fellow Members that it was John Sununu, who convinced this local businessman that I had an obligation as Winston Churchill so eloquently said "to get involved in government or to be prepared to be governed by others less able than ourselves."

I can remember when John Sununu, in his three terms as Governor of New Hampshire, worked 7 days a week, tirelessly covering 234 towns with car and driver, always available at beck and call.

But the issue isn't really John Sununu. The issue is whether or not the sharks in the media will drive another able public servant from Government service. As Pat Buchanan said today, John Sununu is totally loyal to the man he serves. He relishes the role of tough customer, he does not take pains to make himself popular, and he engages from time to time in that most dangerous of local sports, press baiting. I hope that John Sununu survives.

His lapses in judgment do not justify the capital punishment that Washington imposes on politicians that it does not like. Second, because the press is piling on as President Bush says. Third, whenever the press brands someone arrogant, obnoxious, and snooty, usually the fellow has let the press know of his contempt. Folks who do that are often the gutsiest and most interesting people in a city that demands conformity of its new arrivals.

I am proud of my friend John Sununu's exemplary service to our country. America is a better place because we have people like John Sununu at the President's side.

### TRIBUTE TO STEVE SHEHANE

(Mr. RAY asked and was given permission to address the House for 1 minute.)

Mr. RAY. Mr. Speaker, this week hundreds of young high school artists will converge on the Nation's Capitol to observe their winning art to be displayed in the corridor of the Nation's Capitol. I am doing this 1 minute because an outstanding young man who is here right now to observe his art

being displayed, it was lost in shipment, and he is greatly disappointed, one of these artists, this artist is Steven Shehane, an 18-year-old graduate of Jordan High School in Columbus, GA. He is very talented. He recently received a \$1,000 art scholarship for Columbus College and plans to attend school there in the fall.

He plans on pursuing a career in commercial art. His winning art was a colored pencil drawing of a young man in overalls and a straw hat. It is entitled "Billy."

Steve has allowed the arts caucus to display another of this beautiful works in the Capitol for this year. This piece is entitled "Running Leopard."

Mr. Speaker, in closing let me just say, it is talented artists such as Steve Shehane that keep creativity and culture alive in America today.

#### JOHN SUNUNU'S CAR TRIP

(Mr. KYL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KYL. Mr. Speaker, opponents of President George Bush finally have an issue, John Sununu's car trip. Some might not think it is enough to win the White House next year, but when it is all one has got, I guess one rides it hard.

What I do not understand, however, is why all the outrage about practices which are admittedly legal, but absolute silence about the wave of illegal activities terrorizing law-abiding citizens around this country.

When criticizing the President's Chief of Staff, opponents are righteously vocal, but when it comes to the President's crime bill, nothing but silence.

Why will they not take up the President's crime bill? That is what the American people want. That is what they care about.

It is time to get serious about crime in America. If my colleagues are concerned about flying, get the crime bill to the floor and see how fast it flies out of here with our approval.

#### LACK OF LEADERSHIP HURTING AMERICA'S FAMILIES

(Mr. DURBIN asked and was given permission to address the House for 1 minute.)

Mr. DURBIN. Mr. Speaker, when the Secretary of the Treasury said he needed billions of dollars to bail out the S&L's, the President said we have an obligation. When the Secretary of State said he needed a billion to save the Soviet Union, the President said it is only right. But when the National Commission on Children said America's families need a helping hand, the White House reminded us we are facing a deficit.

This same White House, which defends the billions we spend overseas defending Japan and Europe, cannot find the money to buy vaccine for America's kids. This President who dreams of spending billions of dollars on research into outer space cannot support a plan to help American families send their kids to college. It may be too much to expect leadership from this White House on bread and butter issues for working families in this country, but if the President cannot find it in his heart to lead in giving America's working families a helping hand, then he should have the good grace to let others do so.

#### MANDATED LEAVE HURTS FAMILIES

(Mr. DELAY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DELAY. Mr. Speaker, yesterday the National Commission on Families released their report. The Commission has the wrong name. They should call themselves the National Commission on Socialism. Let me just give a few examples.

The Commission claims that mandated leave is good for families. Why would the mandated leave bill, which is touted as family leave, be harmful to families? The bill uses a one-size-fits-all approach by mandating to business that they must give 12 weeks of unpaid leave to employees for births, adoptions, or serious illness. The bill totally ignores the employee who may want to stay with her newborn for 6 months or 1 year or 5 years or have a couple of children close together and then return to her job.

Since the leave is unpaid, it discriminates against single moms or lower income families who cannot take 12 weeks off with no pay. It really only applies to high wage earners who could afford to take this benefit.

There is no evidence that family leave is the specific benefit that most employed mothers would choose. Mandated leave is bad for families and bad for business.

#### PERMISSION FOR COMMITTEE ON BANKING, FINANCE AND URBAN AFFAIRS TO SIT TUESDAY, JUNE 25, WEDNESDAY, JUNE 26, AND THURSDAY, JUNE 27, 1991, DURING THE 5-MINUTE RULE

Mr. TORRES. Mr. Speaker, I ask unanimous consent for the Committee on Banking, Finance and Urban Affairs to sit today, tomorrow, June 26, and Thursday, June 27, 1991, for the consideration of the Financial Institution Safety and Consumer Choice Act of 1991 while the House is sitting for amendments under the 5-minute rule.

The ranking minority member of the subcommittee, the gentleman from Ohio [Mr. WYLIE], concurs in this request.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from California?

There was no objection.

#### SUPPORT FOR SECESSIONISTS

(Mr. RAVENEL asked and was given permission to address the House for 1 minute.)

Mr. RAVENEL. Mr. Speaker, I know that those who win the wars write the histories. However, I must take exception to a remark made by Mr. SOLARZ last week wherein he said,

Abraham Lincoln made the point that once the Southern States joined the Union, they were part of it permanently.

The fact was and still is that no constitutional prohibition of secession exists. Faced with this dilemma, Mr. Lincoln provoked the infant Confederacy into foolishly attacking Fort Sumter. He then declared the departing States to be in rebellion and called for 75,000 volunteers to suppress it. North Carolina, Tennessee, Arkansas, and Virginia refused the call and joined their southern sisters. I join those who applaud today's secessions in the Soviet Union and around the world. But where were they in 1861? We're content, but we still stand when the bands play Dixie!

□ 1230

#### GENERAL LEAVE

Mr. YATES. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 2686, the bill we are about to consider, and that I be allowed to include tables, charts, and other material.

The SPEAKER pro tempore (Mr. MAZZOLI). Is there objection to the request of the gentleman from Illinois?

There was no objection.

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

Mr. YATES. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill (H.R. 2686) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Wisconsin [Mr. YATES].

The motion was agreed to.



□ 1231

## IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the further consideration of the bill, H.R. 2686, with Mr. GORDON in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. When the Committee of the Whole rose on Monday, June 24, 1991, all time for general debate had expired.

The Clerk will read.

The Clerk read as follows:

H.R. 2686

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the following sums are appropriated, out of any money in the Treasury not otherwise appropriated, for the Department of the Interior and related agencies for the fiscal year ending September 30, 1992, and for other purposes, namely:*

Mr. YATES. Mr. Chairman, I ask unanimous consent that the remainder of the bill be read by title and that title I be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The text of title I is as follows:

## TITLE I—DEPARTMENT OF THE INTERIOR

## BUREAU OF LAND MANAGEMENT

## MANAGEMENT OF LANDS AND RESOURCES

For expenses necessary for protection, use, improvement, development, disposal, cadastral surveying, classification, and performance of other functions, including maintenance of facilities, as authorized by law, in the management of lands and their resources under the jurisdiction of the Bureau of Land Management, including the general administration of the Bureau of Land Management, \$516,865,000 of which the following amounts shall remain available until expended: not to exceed \$1,400,000 to be derived from the special receipt account established by section 4 of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-6a(i)), and \$27,000,000 for the Automated Land and Mineral Record System Project: *Provided*, That appropriations herein made shall not be available for the destruction of healthy, unadopted, wild horses and burros in the care of the Bureau of Land Management or its contractors; and in addition, \$12,300,000 for Mining Law Administration program operations: *Provided further*, That the sum herein appropriated shall be reduced as mining claim holding fees are received during fiscal year 1992 so as to result in a final fiscal year 1992 appropriation estimated at not more than \$516,865,000: *Provided further*, That in addition to funds otherwise available, not to exceed \$5,000,000 from annual mining claim holding fees shall be credited to this account for the costs of administering the mining claim holding fee program, and shall remain available until expended: *Provided further*, That none of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to accept or process applications for a patent for any mining or mill site claim located under the general mining laws or to issue a patent for

any mining or mill site claim located under the general mining laws unless the Secretary of the Interior determines that, for the claim concerned: (1) a patent application was filed with the Secretary on or before the date of enactment of this Act, and (2) all requirements established under sections 2325 and 2326 of the Revised Statutes (30 U.S.C. 29 and 30) for vein or lode claims and sections 2329, 2330, 2331, and 2333 of the Revised Statutes (30 U.S.C. 35, 36, and 37) for placer claims, and section 2337 of the Revised Statutes (30 U.S.C. 42) for mill site claims, as the case may be, were fully complied with by that date.

## FIREFIGHTING

For necessary expenses for fire management, emergency rehabilitation, firefighting, fire suppression, and other related emergency actions by the Department of the Interior, \$122,010,000, to remain available until expended: *Provided*, That such funds also are to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

EMERGENCY DEPARTMENT OF THE INTERIOR  
FIREFIGHTING FUND

For the purpose of establishing an "Emergency Department of the Interior Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Department of the Interior, \$100,869,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further*, That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101-508.

## CONSTRUCTION AND ACCESS

For acquisition of lands and interests therein, and construction of buildings, recreation facilities, roads, trails, and appurtenant facilities, \$12,503,000, to remain available until expended.

## PAYMENTS IN LIEU OF TAXES

For expenses necessary to implement the Act of October 20, 1976 (31 U.S.C. 6901-07), \$105,000,000, of which not to exceed \$400,000 shall be available for administrative expenses.

## LAND ACQUISITION

For expenses necessary to carry out the provisions of sections 205, 206, and 318(d) of Public Law 94-579 including administrative expenses and acquisition of lands or waters, or interests therein, \$33,640,000 to be derived from the Land and Water Conservation Fund, to remain available until expended.

## OREGON AND CALIFORNIA GRANT LANDS

For expenses necessary for management, protection, and development of resources and for construction, operation, and maintenance of access roads, reforestation, and other improvements on the revested Oregon and California Railroad grant lands, on other Federal lands in the Oregon and California land-grant counties of Oregon, and on adjacent rights-of-way; and acquisition of lands or interests therein including existing connecting roads on or adjacent to such grant lands; \$93,074,000, to remain available until expended: *Provided*, That 25 per centum of the aggregate of all receipts during the current fiscal year from the revested Oregon and California Railroad grant lands is hereby made a charge against the Oregon and California land grant fund and shall be transferred to the General Fund in the Treasury in accordance with the provisions of the second paragraph of subsection (b) of title II of the Act of August 28, 1937 (50 Stat. 876).

## RANGE IMPROVEMENTS

For rehabilitation, protection, and acquisition of lands and interests therein, and improvement of Federal rangelands pursuant to section 401 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701), notwithstanding any other Act, sums equal to 50 per centum of all moneys received during the prior fiscal year under sections 3 and 15 of the Taylor Grazing Act (43 U.S.C. 315 et seq.) and the amount designated for range improvements from grazing fees and mineral leasing receipts from Bankhead-Jones lands transferred to the Department of the Interior pursuant to law, but not less than \$10,687,000, to remain available until expended: *Provided*, That not to exceed \$600,000 shall be available for administrative expenses.

## SERVICE CHARGES, DEPOSITS, AND FORFEITURES

For administrative expenses and other costs related to processing application documents and other authorizations for use and disposal of public lands and resources, for costs of providing copies of official public land documents, for monitoring construction, operation, and termination of facilities in conjunction with use authorizations, and for rehabilitation of damaged property, such amounts as may be collected under sections 209(b), 304(a), 304(b), 305(a), and 504(g) of the Act approved October 21, 1976 (43 U.S.C. 1701), and sections 101 and 203 of Public Law 93-153, to be immediately available until expended: *Provided*, That notwithstanding any provision to the contrary of section 305(a) of the Act of October 21, 1976 (43 U.S.C. 1735(a)), any moneys that have been or will be received pursuant to that section, whether as a result of forfeiture, compromise, or settlement, if not appropriate for refund pursuant to section 305(c) of that Act (43 U.S.C. 1735(c)), shall be available and may be expended under the authority of this or subsequent appropriations Acts by the Secretary to improve, protect, or rehabilitate any public lands administered through the Bureau of Land Management which have been damaged by the action of a resource developer, purchaser, permittee, or any unauthorized person, without regard to whether all moneys collected from each such forfeiture, compromise, or settlement are used on the exact lands damage to which led to the forfeiture, compromise, or settlement: *Provided further*, That such moneys are in excess of amounts needed to repair damage to the exact land for which collected.

## MISCELLANEOUS TRUST FUNDS

In addition to amounts authorized to be expended under existing law, there is hereby appropriated such amounts as may be contributed under section 307 of the Act of October 21, 1976 (43 U.S.C. 1701), and such amounts as may be advanced for administrative costs, surveys, appraisals, and costs of making conveyances of omitted lands under section 211(b) of that Act, to remain available until expended.

## ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Land Management shall be available for purchase, erection, and dismantlement of temporary structures, and alteration and maintenance of necessary buildings and appurtenant facilities to which the United States has title; up to \$25,000 for payments, at the discretion of the Secretary, for information or evidence concerning violations of laws administered by the Bureau of Land Management; miscellaneous and emergency expenses of enforcement activities authorized or approved by the Secretary and to be accounted for solely on his certificate, not to exceed \$10,000: *Provided*, That appropriations herein made for Bureau of Land Management expenditures in connection with the reversioned Oregon and California Railroad and reconveyed Coos Bay Wagon Road grant lands (other than expenditures made under the appropriation "Oregon and California grant lands") shall be reimbursed to the General Fund of the Treasury from the 25 per centum referred to in subsection (c), title II, of the Act approved August 28, 1937 (50 Stat. 876), of the special fund designated the "Oregon and California land grant fund" and section 4 of the Act approved May 24, 1939 (53 Stat. 754), of the special fund designated the "Coos Bay Wagon Road grant fund": *Provided further*, That appropriations herein made may be expended for surveys of Federal lands and on a reimbursable basis for surveys of Federal lands and for protection of lands for the State of Alaska: *Provided further*, That an appeal of any reductions in grazing allotments on public rangelands must be taken within thirty days after receipt of a final grazing allotment decision. Reductions of up to 10 per centum in grazing allotments shall become effective when so designated by the Secretary of the Interior. Upon appeal any proposed reduction in excess of 10 per centum shall be suspended pending final action on the appeal, which shall be completed within two years after the appeal is filed: *Provided further*, That notwithstanding 44 U.S.C. 501, the Bureau may, under cooperative cost-sharing and partnership arrangements authorized by law, procure printing services from cooperators in connection with jointly-produced publications for which the cooperators share the cost of printing either in cash or in services, and the Bureau determines the cooperator is capable of meeting accepted quality standards: *Provided further*, That notwithstanding any other provisions of law, effective upon the date of enactment of this Act for the fiscal year 1992 and every year thereafter, for each unpatented mining claim, mill or tunnel site on federally owned lands, in lieu of the assessment work requirements contained in the Mining Law of 1872 (30 U.S.C. 28-28(e)), the filing requirements contained in section 314(a) of the Federal Land Policy and Management Act of 1976 (FLPMA) (43 U.S.C. 1744(a)) and the related requirements of section 314(c) of FLPMA (43 U.S.C. 1744(c)), the claimant shall pay an annual holding fee of \$100.00 to the Secretary of the Interior or his designee on or before August 31 of each year in order for

the claimant to hold such unpatented mining claim, mill or tunnel site for the following year beginning on September 1: *Provided further*, That the fee established by this Act in lieu of the assessment work requirements for the assessment year ending at noon on September 1, 1992, shall be due and payable to the Secretary on or before June 30, 1992, except that such fee otherwise due and payable for this period shall be waived by the Secretary or his designee if the claimant files an affidavit of assessment work by June 30, 1992, showing the labor required by 30 U.S.C. 28 was completed for the assessment year ending at noon September 1, 1992, before the effective date of this Act: *Provided further*, That such fee otherwise due and payable for the assessment year ending at noon on September 1, 1992, for mill and tunnel sites shall be waived by the Secretary or his designee if the claimant files a notice of intention to hold the site by June 30, 1992: *Provided further*, That for every unpatented mining claim, mill or tunnel site located after the date of enactment of this Act, the locator shall pay \$100.00 to the Secretary of the Interior or his designee at the time the location notice is recorded with the Bureau of Land Management to hold such claim for the year in which the location was made: *Provided further*, That the co-ownership provision of 30 U.S.C. 28 will remain in effect except that the annual holding fee shall replace the assessment work requirements and expenditures: *Provided further*, That failure to make the annual payment of the holding fee required by this Act shall constitute conclusively an abandonment of the unpatented mining claim, mill or tunnel site by the claimant: *Provided further*, That nothing in this Act shall change or modify the requirements of section 314(b) of FLPMA (43 U.S.C. 1744(b)) or the requirements of section 314(c) of FLPMA (43 U.S.C. 1744(c)) related to filings required by section 314(b), which shall remain in effect: *Provided further*, That the Secretary of the Interior shall promulgate rules and regulations to carry out the purposes of this section as soon as practicable after the effective date of this Act.

UNITED STATES FISH AND WILDLIFE SERVICE  
RESOURCE MANAGEMENT

For expenses necessary for scientific and economic studies, conservation, management, investigations, protection, and utilization of sport fishery and wildlife resources, except whales, seals, and sea lions, and for the performance of other authorized functions related to such resources; for the general administration of the United States Fish and Wildlife Service; and for maintenance of the herd of long-horned cattle on the Wichita Mountains Wildlife Refuge; and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$509,891,000 of which \$10,306,000 shall be for operation and maintenance of fishery mitigation facilities constructed by the Corps of Engineers under the Lower Snake River Compensation Plan, authorized by the Water Resources Development Act of 1976 (90 Stat. 2921), to compensate for loss of fishery resources from water development projects on the Lower Snake River, and which shall remain available until expended; and of which \$1,000,000 shall be for contaminant sample analysis, and shall remain available until expended.

## CONSTRUCTION AND ANADROMOUS FISH

For construction and acquisition of buildings and other facilities required in the con-

servation, management, investigation, protection, and utilization of sport fishery and wildlife resources, and the acquisition of lands and interests therein; \$71,102,000 to remain available until expended, of which \$300,000 shall be available for expenses to carry out the Anadromous Fish Conservation Act (16 U.S.C. 757a-757g).

## NATURAL RESOURCE DAMAGE ASSESSMENT FUND

To conduct natural resource damage assessments by the Department of the Interior necessary to carry out the provisions of the Comprehensive Environmental Response, Compensation, and Liability Act, as amended (42 U.S.C. 9601, et seq.), Federal Water Pollution Control Act, as amended (33 U.S.C. 1251, et seq.), the Oil Pollution Act of 1990 (Public Law 101-380), and the Act of July 27, 1990 (Public Law 101-337); \$3,740,000 to remain available until expended: *Provided*, That notwithstanding any other provision of law, in fiscal year 1991 and thereafter, sums provided by any party, including sums provided in advance or as a reimbursement for natural resource damage assessments, may be credited to this appropriation and shall remain available until expended.

## LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the United States Fish and Wildlife Service, \$37,722,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

COOPERATIVE ENDANGERED SPECIES  
CONSERVATION FUND

For expenses necessary to carry out the provisions of the Endangered Species Act of 1973 (16 U.S.C. 1531-1543), as amended by Public Law 100-478, \$6,705,000 for Grants to States, to remain available until expended.

## NATIONAL WILDLIFE REFUGE FUND

For expenses necessary to implement the Act of October 17, 1978 (16 U.S.C. 715s), \$11,000,000.

## REWARDS AND OPERATIONS

For expenses necessary to carry out the provisions of the African Elephant Conservation Act (16 U.S.C. 4201-4203, 4211-4213, 4221-4225, 4241-4245, and 1538), \$1,201,000, to remain available until expended.

SPORT FISH RESTORATION ACCOUNT  
(LIMITATION ON OBLIGATIONS)

None of the funds in this Act shall be available for the implementation or execution of programs the obligations for which are in excess of \$190,000,000 for the Sport Fish Restoration Account, Payments to States, for fiscal year 1992.

## ADMINISTRATIVE PROVISIONS

Appropriations and funds available to the United States Fish and Wildlife Service shall be available for purchase of not to exceed 145 passenger motor vehicles, of which 129 are for replacement only (including 43 for police-type use); not to exceed \$400,000 for payment, at the discretion of the Secretary, for information, rewards, or evidence concerning violations of laws administered by the United States Fish and Wildlife Service, and miscellaneous and emergency expenses of enforcement activities, authorized or approved by the Secretary and to be accounted for solely on his certificate; repair of damage to public roads within and adjacent to reservation areas caused by operations of the United



States Fish and Wildlife Service; options for the purchase of land at not to exceed \$1 for each option; facilities incident to such public recreational uses on conservation areas as are consistent with their primary purpose; and the maintenance and improvement of aquaria, buildings, and other facilities under the jurisdiction of the United States Fish and Wildlife Service and to which the United States has title, and which are utilized pursuant to law in connection with management and investigation of fish and wildlife resources: *Provided*, That the United States Fish and Wildlife Service may accept donated aircraft as replacements for existing aircraft: *Provided further*, That hereafter the Tinicum National Environmental Center in Philadelphia, Pennsylvania, shall be known as the John Heinz National Wildlife Refuge at Tinicum.

#### NATIONAL PARK SERVICE

##### OPERATION OF THE NATIONAL PARK SYSTEM

For expenses necessary for the management, operation, and maintenance of areas and facilities administered by the National Park Service (including special road maintenance service to trucking permittees on a reimbursable basis), and for the general administration of the National Park Service, including not to exceed \$566,000 for the Roosevelt Campobello International Park Commission, and not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408, \$969,047,000 without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), of which not to exceed \$59,500,000 to remain available until expended is to be derived from the special fee account established pursuant to title V, section 5201, of Public Law 100-203: *Provided*, That the National Park Service shall not enter into future concessionaire contracts, including renewals, that do not include a termination for cause clause that provides for possible extinguishment of possessory interests excluding depreciated book value of concessionaire investments without compensation: *Provided further*, That of the funds provided herein, \$700,000 is available for the National Institute for the Conservation of Cultural Property: *Provided further*, That hereafter appropriations for maintenance and improvement of roads within the boundary of the Cuyahoga Valley National Recreation Area shall be available for such purposes without regard to whether title to such road rights-of-way is in the United States.

##### NATIONAL RECREATION AND PRESERVATION

For expenses necessary to carry out recreation programs, natural programs, cultural programs, environmental compliance and review, and grant administration, not otherwise provided for, \$23,420,000: *Provided*, That no funds appropriated under this head for the Calumet Historic District may be obligated until funds provided for the Calumet Historic District under construction planning are specifically authorized.

##### HISTORIC PRESERVATION FUND

For expenses necessary in carrying out the provisions of the Historic Preservation Act of 1966 (80 Stat. 915), as amended (16 U.S.C. 470), \$35,931,000 to be derived from the Historic Preservation Fund, established by section 108 of that Act, as amended, to remain available for obligation until September 30, 1993: *Provided*, That the Trust Territory of the Pacific Islands is a State eligible for Historic Preservation Fund matching grant assistance as authorized under 16 U.S.C.

470w(2): *Provided further*, That pursuant to section 105(1) of the Compact of Free Association, Public Law 99-239, the Federated States of Micronesia and the Republic of the Marshall Islands shall also be considered States for purposes of this appropriation.

#### CONSTRUCTION

For construction, improvements, repair or replacement of physical facilities, without regard to the Act of August 24, 1912, as amended (16 U.S.C. 451), \$237,506,000, to remain available until expended: *Provided*, That not to exceed \$11,200,000 shall be paid to the Army Corps of Engineers for modifications authorized by section 104 of the Everglades National Park Protection and Expansion Act of 1989: *Provided further*, That none of the funds under this head may be expended for the Calumet Historic District unless specifically authorized: *Provided further*, That of the funds provided under this heading, \$1,500,000 shall be available for site acquisition for the Lincoln Center in Springfield, Illinois: *Provided further*, That of the funds provided under this heading, \$2,000,000 shall be available for a grant to restore the Chicago Public Library, Central Building as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e)): *Provided further*, That of the funds provided under this heading, up to \$100,000 shall be available to assist the Town of Provincetown, Massachusetts with planning and construction of a solid waste transfer station on town-owned land provided that the Town and the National Park Service enter into an agreement for shared use of the facility for its lifetime at a rate based on actual operating costs and percentages of total contribution of solid waste by the National Park Service: *Provided further*, That of the funds provided under this heading, \$3,650,000 shall be available for construction of a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor.

#### URBAN PARK AND RECREATION FUND

For expenses necessary to carry out the provisions of the Urban Park and Recreation Recovery Act of 1978 (title 10 of Public Law 95-625) \$10,000,000, to remain available until expended.

#### LAND ACQUISITION AND STATE ASSISTANCE

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the National Park Service, \$168,365,000 to be derived from the Land and Water Conservation Fund, to remain available until expended, of which \$23,500,000 is for the State assistance program including \$3,500,000 to administer the State assistance program: *Provided*, That of the amounts previously appropriated to the Secretary's contingency fund for grants to States \$14,000 shall be available in 1992 for administrative expenses of the State grant program.

#### LAND AND WATER CONSERVATION FUND

##### (RESCISSION)

The contract authority provided for fiscal year 1992 by 16 U.S.C. 4601-10a is rescinded.

#### JOHN F. KENNEDY CENTER FOR THE PERFORMING ARTS

For expenses necessary for operating and maintaining the nonperforming arts functions of the John F. Kennedy Center for the Performing Arts, \$22,945,000, of which \$16,000,000 shall remain available until expended.

#### ILLINOIS AND MICHIGAN CANAL NATIONAL HERITAGE CORRIDOR COMMISSION

For operation of the Illinois and Michigan Canal National Heritage Corridor Commission, \$250,000.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the National Park Service shall be available for the purchase of not to exceed 465 passenger motor vehicles, of which 322 shall be for replacement only, including not to exceed 355 for police-type use, 11 buses, and 5 ambulances; to provide, notwithstanding any other provision of law, at a cost not exceeding \$100,000, transportation for children in nearby communities to and from any unit of the National Park System used in connection with organized recreation and interpretive programs of the National Park Service; options for the purchase of land at not to exceed \$1 for each option; and for the procurement and delivery of medical services within the jurisdiction of units of the National Park System: *Provided*, That any funds available to the National Park Service may be used, with the approval of the Secretary, to maintain law and order in emergency and other unforeseen law enforcement situations and conduct emergency search and rescue operations in the National Park System: *Provided further*, That none of the funds appropriated to the National Park Service may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided further*, That the National Park Service may use helicopters and motorized equipment at Death Valley National Monument for removal of feral burros and horses: *Provided further*, That notwithstanding any other provision of law, the National Park Service may recover all costs of providing necessary services associated with special use permits, such reimbursements to be credited to the appropriation current at that time: *Provided further*, That none of the funds appropriated to the National Park Service may be used to implement an agreement for the redevelopment of the southern end of Ellis Island until such agreement has been submitted to the Congress and shall not be implemented prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full and comprehensive report on the development of the southern end of Ellis Island, including the facts and circumstances relied upon in support of the proposed project.

#### GEOLOGICAL SURVEY

##### SURVEYS, INVESTIGATIONS, AND RESEARCH

For expenses necessary for the Geological Survey to perform surveys, investigations, and research covering topography, geology, hydrology, and the mineral and water resources of the United States, its Territories and possessions, and other areas as authorized by law (43 U.S.C. 31, 1332 and 1340); classify lands as to their mineral and water resources; give engineering supervision to power permittees and Federal Energy Regulatory Commission licensees; administer the minerals exploration program (30 U.S.C. 641); and publish and disseminate data relative to the foregoing activities; \$589,499,000, of which \$62,058,000 shall be available only for co-operation with States or municipalities for water resources investigations: *Provided*, That no part of this appropriation shall be used to pay more than one-half the cost of any topographic mapping or water resources

investigations carried on in cooperation with any State or municipality.

#### ADMINISTRATIVE PROVISIONS

The amount appropriated for the Geological Survey shall be available for purchase of not to exceed 26 passenger motor vehicles, for replacement only; reimbursement to the General Services Administration for security guard services; contracting for the furnishing of topographic maps and for the making of geophysical or other specialized surveys when it is administratively determined that such procedures are in the public interest; construction and maintenance of necessary buildings and appurtenant facilities; acquisition of lands for gauging stations and observation wells; expenses of the United States National Committee on Geology; and payment of compensation and expenses of persons on the rolls of the Geological Survey appointed, as authorized by law, to represent the United States in the negotiation and administration of interstate compacts: *Provided*, That activities funded by appropriations herein made may be accomplished through the use of contracts, grants, or cooperative agreements as defined in Public Law 95-224: *Provided further*, That the Geological Survey (43 U.S.C. 31(a)) shall hereafter be designated the United States Geological Survey.

#### MINERALS MANAGEMENT SERVICE

##### LEASING AND ROYALTY MANAGEMENT

For expenses necessary for minerals leasing and environmental studies, regulation of industry operations, and collection of royalties, as authorized by law; for enforcing laws and regulations applicable to oil, gas, and other minerals leases, permits, licenses and operating contracts; and for matching grants or cooperative agreements; including the purchase of not to exceed eight passenger motor vehicles for replacement only; \$208,090,000, of which not less than \$66,784,000 shall be available for royalty management activities: *Provided*, That \$1,500,000 for computer acquisitions shall remain available until September 30, 1993: *Provided further*, That funds appropriated under this Act shall be available for the payment of interest in accordance with 30 U.S.C. 1721 (b) and (d): *Provided further*, That not to exceed \$3,000 shall be available for reasonable expenses related to promoting volunteer beach and marine cleanup activities: *Provided further*, That notwithstanding any other provision of law, \$10,000 under this head shall be available for refunds of overpayments in connection with certain Indian leases in which the Director of the Minerals Management Service concurred with the claimed refund due: *Provided further*, That notwithstanding any other provision of law, \$136,400,000 shall be deducted from Federal onshore mineral leasing receipts prior to the division and distribution of such receipts between the States and the Treasury and shall be credited to miscellaneous receipts of the Treasury.

#### BUREAU OF MINES

##### MINES AND MINERALS

For expenses necessary for conducting inquiries, technological investigations, and research concerning the extraction, processing, use, and disposal of mineral substances without objectionable social and environmental costs; to foster and encourage private enterprise in the development of mineral resources and the prevention of waste in the mining, minerals, metal, and mineral reclamation industries; to inquire into the economic conditions affecting those industries; to promote health and safety in mines and

the mineral industry through research; and for other related purposes as authorized by law, \$175,890,000, of which \$101,382,000 shall remain available until expended: *Provided*, That none of the funds in this or any other Act may be used for the closure or consolidation of any research centers or the sale of any of the helium facilities currently in operation.

#### ADMINISTRATIVE PROVISIONS

The Secretary is authorized to accept lands, buildings, equipment, other contributions and, heretofore and hereafter, fees to be deposited in the contributed funds account from public and private sources, and to prosecute projects using such contributions and fees in cooperation with other Federal, State or private agencies. *Provided*, That the Bureau of Mines is authorized, during the current fiscal year, to sell directly or through any Government agency, including corporations, any metal or mineral product that may be manufactured in pilot plants operated by the Bureau of Mines, and the proceeds of such sales shall be covered into the Treasury as miscellaneous receipts.

#### OFFICE OF SURFACE MINING RECLAMATION AND ENFORCEMENT

##### REGULATION AND TECHNOLOGY

For necessary expenses to carry out the provisions of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not to exceed 15 passenger motor vehicles, of which 11 shall be for replacement only; \$110,250,000 and notwithstanding 31 U.S.C. 3302, an additional amount, to remain available until expended, from performance bond forfeitures in fiscal year 1992: *Provided*, That notwithstanding any other provision of law, the Secretary of the Interior, pursuant to regulations, may utilize directly or through grants to States, moneys collected in fiscal year 1992 pursuant to the assessment of civil penalties under section 518 of the Surface Mining Control and Reclamation Act of 1977 (30 U.S.C. 1268), to reclaim lands adversely affected by coal mining practices after August 3, 1977, to remain available until expended: *Provided further*, That notwithstanding any other provisions of law, appropriations for the Office of Surface Mining Reclamation and Enforcement may provide for the travel and per diem expenses of State and tribal personnel attending Office of Surface Mining Reclamation and Enforcement sponsored training.

##### ABANDONED MINE RECLAMATION FUND

For necessary expenses to carry out the provisions of title IV of the Surface Mining Control and Reclamation Act of 1977, Public Law 95-87, as amended, including the purchase of not more than 22 passenger motor vehicles, of which 16 shall be for replacement only, \$190,200,000 to be derived from receipts of the Abandoned Mine Reclamation Fund and to remain available until expended of which, notwithstanding any other provision of law, the following amounts shall be available to carry out the various provisions of section 402(g) of Public Law 95-87, as amended (30 U.S.C. 1232 (g)): \$130,000,000 to carry out section 402(g)(1) and 402(g)(5), \$12,000,000 to carry out section 402(g)(2) and \$48,200,000 to carry out sections 402(g) (3) and (4): *Provided*, That pursuant to Public Law 97-365, the Department of the Interior is authorized to utilize up to 20 per centum from the recovery of the delinquent debt owed to the United States Government to pay for contracts to collect these debts: *Provided further*, That of the funds made available to the States to contract for reclamation projects authorized in section 406(a) of Public Law 95-

87, administrative expenses may not exceed 15 per centum: *Provided further*, That none of these funds shall be used for a reclamation grant to any State if the State has not agreed to participate in a nationwide data system established by the Office of Surface Mining Reclamation and Enforcement through which all permit applications are reviewed and approvals withheld if the applicants (or those who control the applicants) applying for or receiving such permits have outstanding State or Federal air or water quality violations in accordance with section 510(c) of the Act of August 3, 1977 (30 U.S.C. 1260(c)), or failure to abate cessation orders, outstanding civil penalties associated with such failure to abate cessation orders, or uncontested past due Abandoned Mine Land fees: *Provided further*, That the Secretary of the Interior may deny 50 per centum of an Abandoned Mine Reclamation Fund grant, available to a State pursuant to title IV of Public Law 95-87, in accordance with the procedures set forth in section 521(b) of the Act, when the Secretary determines that a State is systematically failing to administer adequately the enforcement provisions of the approved State regulatory program. Funds will be denied until such time as the State and Office of Surface Mining Reclamation and Enforcement have agreed upon an explicit plan of action for correcting the enforcement deficiency. A State may enter into such agreement without admission of culpability. If a State enters into such agreement, the Secretary shall take no action pursuant to section 521(b) of the Act as long as the State is complying with the terms of the agreement: *Provided further*, That expenditure of moneys as authorized in section 402(g)(4) of Public Law 95-87 shall be on a priority basis with the first priority being protection of public health, safety, general welfare, and property from extreme danger of adverse effects of coal mining practices, as stated in section 403 of Public Law 95-87: *Provided further*, That 23 full-time equivalent positions are to be maintained in the Anthracite Reclamation Program at the Wilkes-Barre Field Office.

#### BUREAU OF INDIAN AFFAIRS

##### OPERATION OF INDIAN PROGRAMS

For operation of Indian programs by direct expenditure, contracts, cooperative agreements, and grants including expenses necessary to provide education and welfare services for Indians, either directly or in cooperation with States and other organizations, including payment of care, tuition, assistance, and other expenses of Indians in boarding homes, or institutions, or schools; grants and other assistance to needy Indians; maintenance of law and order; management, development, improvement, and protection of resources and appurtenant facilities under the jurisdiction of the Bureau of Indian Affairs, including payment of irrigation assessments and charges; acquisition of water rights; advances for Indian industrial and business enterprises; operation of Indian arts and crafts shops and museums; development of Indian arts and crafts, as authorized by law; for the general administration of the Bureau of Indian Affairs, including such expenses in field offices, \$1,283,630,000, including \$302,025,000 for school operations costs of Bureau-funded schools and other education programs which shall become available for obligation on July 1, 1992, and shall remain available for obligation until June 30, 1993, and of which, funds obligated as grants to schools pursuant to Public Law 100-297 shall be made on July 1 and December 1 in lieu of the payments authorized to be made on Oc-



tober 1 and January 1 of each calendar year, and of which not to exceed \$74,912,000 for higher education scholarships, adult vocational training, and assistance to public schools under the Act of April 16, 1934 (48 Stat. 596), as amended (25 U.S.C. 452 et seq.), shall remain available for obligation until September 30, 1993; and the funds made available to tribes and tribal organizations through contracts or grants obligated during fiscal year 1992 as authorized by the Indian Self-Determination Act of 1975 (88 Stat. 2203; 25 U.S.C. 450 et seq.), or grants authorized by the Indian Education Amendments of 1988 (25 U.S.C. 2001 and 2008A) shall remain available until expended by the contractor or grantee; and of which \$2,021,000 for litigation support shall remain available until expended, \$5,000,000 for self-governance tribal compacts shall be made available on completion and submission of such compacts to the Congress, and shall remain available until expended; and of which \$1,139,000 for expenses necessary to carry out the provisions of section 19(a) of Public Law 93-531 (25 U.S.C. 640d-18(a)), shall remain available until expended: *Provided*, That none of the funds appropriated to the Bureau of Indian Affairs shall be expended as matching funds for programs funded under section 103(b)(2) of the Carl D. Perkins Vocational Education Act: *Provided further*, That \$200,000 of the funds made available in this Act shall be available for cyclical maintenance of tribally owned fish hatcheries and related facilities: *Provided further*, That none of the funds in this Act shall be used by the Bureau of Indian Affairs to transfer funds under a contract with any third party for the management of tribal or individual Indian trust funds until the funds held in trust for all such tribes or individuals have been audited and reconciled to the earliest possible date, the results of such reconciliation have been certified by an independent party as the most complete reconciliation of such funds possible, and the affected tribe or individual has been provided with an accounting of such funds: *Provided further*, That notwithstanding any other provision of law, the statute of limitations shall not commence to run on any claim concerning losses to or mismanagement of trust funds, until the affected tribe or individual Indian has been furnished with the accounting of such funds: *Provided further*, That \$300,000 of the amounts provided for education program management shall be available for a grant to the Close Up Foundation: *Provided further*, That not more than \$3,218,000 shall be made available for the Federal Financial System in fiscal year 1992: *Provided further*, That none of the funds provided in this Act may be used to prepare a reprogramming proposal to reorganize the Bureau of Indian Affairs until a task force consisting of tribal, Bureau and departmental representatives reviews any proposal to reorganize the Bureau and provides a final report to the Committees on Appropriations regarding consultation and a review of the proposal: *Provided further*, That none of the funds provided in this Act may be used to undertake a reorganization pursuant to 64 Stat. 1262 or any other provision of law: *Provided further*, That income received by the Bureau of Indian Affairs as a deduction from timber sale receipts shall remain available until expended.

#### CONSTRUCTION (INCLUDING RESCISSION)

For construction, major repair, and improvement of irrigation and power systems, buildings, utilities, and other facilities, including architectural and engineering serv-

ices by contract; acquisition of lands and interests in lands; preparation of lands for farming; maintenance of Indian reservation roads as defined in section 101 of title 23, United States Code; and construction, repair, and improvement of Indian housing, \$219,856,000, to remain available until expended: *Provided*, That of the funds previously provided under this head for construction contract support, \$7,000,000 is hereby rescinded: *Provided further*, That \$1,000,000 of the funds made available in this Act shall be available for rehabilitation of tribally owned fish hatcheries and related facilities: *Provided further*, That such amounts as may be available for the construction of the Navajo Indian Irrigation Project may be transferred to the Bureau of Reclamation: *Provided further*, That not to exceed 6 per centum of contract authority available to the Bureau of Indian Affairs from the Federal Highway Trust Fund may be used to cover the road program management costs of the Bureau of Indian Affairs: *Provided further*, That none of the funds available to the Bureau of Indian Affairs in this or any other Act shall be used to transfer, through agreement, memorandum of understanding, demonstration project or other method, the Safety of Dams program of the Bureau of Indian Affairs to the Bureau of Reclamation: *Provided further*, That nothing herein shall prevent the Bureau of Indian Affairs or tribes from using, on a case-by-case basis, the technical expertise of the Bureau of Reclamation: *Provided further*, That none of the funds provided for the Safety of Dams program are available for transfer pursuant to sections 101 and 102 of this Act.

#### MISCELLANEOUS PAYMENTS TO INDIANS

For miscellaneous payments to Indian tribes and individuals pursuant to Public Laws 98-500, 99-264, 100-580, 101-618, 101-602, 101-628, 101-486, and 100-585, including funds for necessary administrative expenses, \$87,617,000, to remain available until expended: *Provided*, That income earned on funds appropriated by Public Law 101-121, October 23, 1989, 103 Stat. 701, 715 for the purposes of section 6(b) of the Puyallup Tribe of Indians Settlement Act of 1989, Public Law 101-41, June 21, 1989, 103 Stat. 83, may be utilized by the Permanent Trust Fund Board of Trustees to secure necessary and appropriate financial, auditing, accounting, insurance and other administrative services to fulfill the Board of Trustees' fiduciary and administrative responsibilities: *Provided further*, That no more than 5 per centum of the income in any year may be utilized for such purposes: *Provided further*, That of the funds included for Public Law 101-602, \$12,000,000 shall be made available on September 30, 1992; of the funds included for Public Law 101-628, \$23,000,000 shall be made available on September 30, 1992; and of the funds included for Public Law 101-618, \$12,500,000 shall be made available on September 30, 1992.

#### NAVAJO REHABILITATION TRUST FUND

For Navajo tribal rehabilitation and improvement activities in accordance with the provisions of section 32(d) of Public Law 93-531, as amended (25 U.S.C. 640d-30), including necessary administrative expenses, \$4,000,000, to remain available until expended.

#### TECHNICAL ASSISTANCE OF INDIAN ENTERPRISES

For payment of management and technical assistance requests associated with loans and grants approved under the Indian Financing Act of 1974, as amended, \$1,000,000.

#### INDIAN DIRECT LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, includ-

ing the cost of modifying loans, of expert assistance loans authorized by the Act of November 4, 1963, as amended, and the cost of direct loans authorized by the Indian Financing Act of 1974, as amended, \$3,039,000: *Provided*, That these funds are available to subsidize gross obligations for the principal amount of direct loans not to exceed \$15,735,000.

In addition, for administrative expenses necessary to carry out the direct loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

#### INDIAN GUARANTEED LOAN PROGRAM ACCOUNT

For the cost, as defined in section 13201 of the Budget Enforcement Act of 1990, including the cost of modifying loans, of guaranteed loans authorized by the Indian Financing Act of 1974, as amended, \$8,512,000: *Provided*, That these funds are available to subsidize total loan principal any part of which is to be guaranteed not to exceed \$56,432,000.

In addition, for administrative expenses necessary to carry out the guaranteed loan program, \$1,020,000, which may be transferred to and merged with the appropriations for Operation of Indian Programs to cover the common overhead expenses associated with implementing the Credit Reform Act of 1990.

#### ADMINISTRATIVE PROVISIONS

Appropriations for the Bureau of Indian Affairs (except the revolving fund for loans, the Indian loan guarantee and insurance fund, the Technical Assistance of Indian Enterprises account, the Indian Direct Loan Program account, and the Indian Guaranteed Loan Program account) shall be available for expenses of exhibits, and purchase of not to exceed 188 passenger carrying motor vehicles, of which not to exceed 147 shall be for replacement only.

#### TERRITORIAL AND INTERNATIONAL AFFAIRS

##### ADMINISTRATION OF TERRITORIES

For expenses necessary for the administration of territories under the jurisdiction of the Department of the Interior, \$103,177,000, of which (1) \$99,194,000 shall be available until expended for technical assistance, including maintenance assistance, drug interdiction and abuse prevention, and brown tree snake control and research; late charges and payments of the annual interest rate differential required by the Federal Financing Bank, under terms of the second refinancing of an existing loan to the Guam Power Authority, as authorized by law (Public Law 98-454; 98 Stat. 1732); grants to the judiciary in American Samoa for compensation and expenses, as authorized by law (48 U.S.C. 1661(c)); grants to the Government of American Samoa, in addition to current local revenues, for construction and support of governmental functions; grants to the Government of the Virgin Islands as authorized by law; grants to the Government of Guam, as authorized by law; grants to the Government of the Northern Mariana Islands as authorized by law (Public Law 94-241; 90 Stat. 272); and (2) \$3,983,000 shall be available for salaries and expenses of the Office of Territorial and International Affairs: *Provided*, That the territorial and local governments herein provided for are authorized to make purchases through the General Services Administration: *Provided further*, That all financial transactions of the territorial and local governments herein provided for, including such transactions of all agencies or instrumentalities established or utilized by such governments, shall be audited by the General Ac-

counting Office, in accordance with chapter 35 of title 31, United States Code: *Provided further*, That Northern Mariana Islands Covenant grant funding shall be provided according to those terms of the Agreement of the Special Representatives on Future United States Financial Assistance for the Northern Mariana Islands approved by Public Law 99-396, except that should the Secretary of the Interior believe that the performance standards of such agreement are not being met, operations funds may be withheld, but only by Act of Congress as required by Public Law 99-396: *Provided further*, That \$1,025,000 of the amounts provided for technical assistance shall be available for a grant to the Close Up Foundation: *Provided further*, That the funds for the program of operations and maintenance improvement are appropriated to institutionalize routine operations and maintenance of capital infrastructure in American Samoa, Guam, the Virgin Islands, the Commonwealth of the Northern Mariana Islands, the Republic of Palau, the Republic of the Marshall Islands, and the Federated States of Micronesia through assessments of long-range operations and maintenance needs, improved capability of local operations and maintenance institutions and agencies (including management and vocational education training), and project-specific maintenance (with territorial participation and cost sharing to be determined by the Secretary based on the individual territory's commitment to timely maintenance of its capital assets).

#### TRUST TERRITORY OF THE PACIFIC ISLANDS

For expenses necessary for the Department of the Interior in administration of the Trust Territory of the Pacific Islands pursuant to the Trusteeship Agreement approved by joint resolution of July 18, 1947 (61 Stat. 397), and the Act of June 30, 1954 (68 Stat. 330), as amended (90 Stat. 299; 91 Stat. 1159; 92 Stat. 496), and grants to the Trust Territory of the Pacific Islands, in addition to local revenues, for support of governmental functions; \$27,951,000 to remain available until expended including \$17,651,000 for operations of the Government of Palau, to be expended as determined by the Government of Palau: *Provided*, That all financial transactions of the Trust Territory, including such transactions of all agencies or instrumentalities established or utilized by such Trust Territory, shall be audited by the General Accounting Office in accordance with chapter 35 of title 31, United States Code: *Provided further*, That the government of the Trust Territory of the Pacific Islands is authorized to make purchases through the General Services Administration: *Provided further*, That all Government operations funds appropriated and obligated for the Republic of Palau under this account for fiscal year 1992, shall be credited as an offset against fiscal year 1992 payments made pursuant to the legislation approving the Palau Compact of Free Association (Public Law 99-658), if such Compact is implemented before October 1, 1992: *Provided further*, That not less than \$300,000 of the grants to the Republic of Palau, for support of governmental functions, shall be dedicated to the College of Micronesia in accordance with the agreement between the Micronesian entities.

#### COMPACT OF FREE ASSOCIATION

For economic assistance and necessary expenses for the Federated States of Micronesia and the Republic of the Marshall Islands as provided for in sections 122, 221, 223, 232, and 233 of the Compacts of Free Association, \$26,010,000, to remain available until ex-

pendent, as authorized by Public Law 99-239: *Provided*, That the effective date of the Palau Compact for purposes of economic assistance pursuant to the Palau Compact of Free Association, Public Law 99-658, shall be the effective date of the Palau Compact as determined pursuant to section 101 of Public Law 101-219: *Provided further*, That the language in the third proviso under this head in Public Law 100-446 is amended by striking the word "Ejit" and inserting the word "Majuro": *Provided further*, That of the amount appropriated, \$2,000,000 shall be available ex gratia for the relocation and resettlement of the people of Rongelap on Rongelap Atoll: *Provided further*, That such sum shall be paid to a trustee selected by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary of the Interior to be held in trust pursuant to the provisions of a trust agreement approved by the Rongelap Atoll Local Government Council subject only to the disapproval of the Secretary: *Provided further*, That such fund and the earnings and distribution therefrom shall not be subject to any form of Federal, State, or local taxation: *Provided further*, That the Secretary may approve expenditures of up to \$500,000 in fiscal year 1992 for projects on Mejjatto: *Provided further*, That the Government of the United States shall not be liable in any cause of action in law or equity from the administration and distribution of the trust funds: *Provided further*, That of the amount appropriated, \$1,000,000 shall be available for studies on Rongelap Atoll.

#### DEPARTMENTAL OFFICES

##### OFFICE OF THE SECRETARY

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Secretary of the Interior, \$66,414,000, of which not to exceed \$7,500 may be for official reception and representation expenses.

##### OFFICE OF THE SOLICITOR

##### SALARIES AND EXPENSES

For necessary expenses of the Office of the Solicitor, \$30,525,000.

##### OFFICE OF INSPECTOR GENERAL

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Inspector General, \$24,244,000.

##### CONSTRUCTION MANAGEMENT

##### SALARIES AND EXPENSES

For necessary expenses of the Office of Construction Management, \$2,243,000.

##### NATIONAL INDIAN GAMING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the National Indian Gaming Commission, pursuant to Public Law 100-497, \$1,890,000, subject to authorization.

##### OILSPILL EMERGENCY FUND

For necessary expenses for contingency planning, response, natural resource damage assessment and restoration activities related to any discharge of oil in waters of the United States upon a determination by the Secretary of the Interior that such funds are necessary for the protection or restoration of natural resources under his jurisdiction; \$3,900,000, which shall remain available until expended.

#### ADMINISTRATIVE PROVISIONS

There is hereby authorized for acquisition from available resources within the Working Capital Fund, 11 aircraft, 7 of which shall be for replacement and which may be obtained by donation, purchase or through available excess surplus property: *Provided*, That no

programs funded with appropriated funds in the "Office of the Secretary", "Office of the Solicitor", and "Office of Inspector General" may be augmented through the Working Capital Fund or the Consolidated Working Fund.

#### GENERAL PROVISIONS, DEPARTMENT OF THE INTERIOR

SEC. 101. Appropriations made in this title shall be available for expenditure or transfer (within each bureau or office), with the approval of the Secretary, for the emergency reconstruction, replacement, or repair of aircraft, buildings, utilities, or other facilities or equipment damaged or destroyed by fire, flood, storm, or other unavoidable causes: *Provided*, That no funds shall be made available under this authority until funds specifically made available to the Department of the Interior for emergencies shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible.

SEC. 102. The Secretary may authorize the expenditure or transfer of any no year appropriation in this title, in addition to the amounts included in the budget programs of the several agencies, for the suppression or emergency prevention of forest or range fires on or threatening lands under the jurisdiction of the Department of the Interior; for the emergency rehabilitation of burned-over lands under its jurisdiction; for emergency actions related to potential or actual earthquakes, floods, volcanoes, storms, or other unavoidable causes; for contingency planning subsequent to actual oil spills; response and natural resource damage assessment activities related to actual oil spills; for the prevention, suppression, and control of actual or potential grasshopper and Mormon cricket outbreaks on lands under the jurisdiction of the Secretary, pursuant to the authority in section 1773(b) of Public Law 99-198 (99 Stat. 1658); for emergency reclamation projects under section 410 of Public Law 95-87; and shall transfer, from any no year funds available to the Office of Surface Mining Reclamation and Enforcement, such funds as may be necessary to permit assumption of regulatory authority in the event a primacy State is not carrying out the regulatory provisions of the Surface Mining Act: *Provided*, That appropriations made in this title for fire suppression purposes shall be available for the payment of obligations incurred during the preceding fiscal year, and for reimbursement to other Federal agencies for destruction of vehicles, aircraft, or other equipment in connection with their use for fire suppression purposes, such reimbursement to be credited to appropriations currently available at the time of receipt thereof: *Provided further*, That for emergency rehabilitation and wildfire suppression activities, no funds shall be made available under this authority until funds appropriated to the "Emergency Department of the Interior Firefighting Fund" shall have been exhausted: *Provided further*, That all funds used pursuant to this section must be replenished by a supplemental appropriation which must be requested as promptly as possible: *Provided further*, That such replenishment funds shall be used to reimburse, on a pro rata basis, accounts from which emergency funds were transferred.

SEC. 103. Appropriations made in this title shall be available for operation of warehouses, garages, shops, and similar facilities, wherever consolidation of activities will contribute to efficiency or economy, and said appropriations shall be reimbursed for serv-



ices rendered to any other activity in the same manner as authorized by sections 1535 and 1536 of title 31, U.S.C.: *Provided*, That reimbursements for costs and supplies, materials, equipment, and for services rendered may be credited to the appropriation current at the time such reimbursements are received.

SEC. 104. Appropriations made to the Department of the Interior in this title shall be available for services as authorized by 5 U.S.C. 3109, when authorized by the Secretary, in total amount not to exceed \$500,000; hire, maintenance, and operation of aircraft; hire of passenger motor vehicles; purchase of reprints; payment for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; and the payment of dues, when authorized by the Secretary, for library membership in societies or associations which issue publications to members only or at a price to members lower than to subscribers who are not members.

SEC. 105. Appropriations available to the Department of the Interior for salaries and expenses shall be available for uniforms or allowances therefor, as authorized by law (5 U.S.C. 5901-5902 and D.C. Code 4-204).

SEC. 106. Appropriations made in this title shall be available for obligation in connection with contracts issued by the General Services Administration for services or rentals for periods not in excess of twelve months beginning at any time during the fiscal year.

SEC. 107. None of the funds appropriated or otherwise made available pursuant to this Act shall be obligated or expended to finance changing the name of the mountain located 63 degrees, 04 minutes, 15 seconds west, presently named and referred to as Mount McKinley.

SEC. 108. Notwithstanding any other provisions of law, in fiscal year 1992 and thereafter, appropriations in this title shall be available to provide insurance on official motor vehicles, aircraft, and boats operated by the Department of the Interior in Canada and Mexico.

SEC. 109. No funds provided in this title may be used to detail any employee to an organization unless such detail is in accordance with Office of Personnel Management regulations.

SEC. 110. No funds provided in this title may be expended by the Department of the Interior for the conduct of offshore leasing and related activities placed under restriction in the President's moratorium statement of June 26, 1990, in the areas of Northern, Central, and Southern California; the North Atlantic; Washington and Oregon; and the Eastern Gulf of Mexico south of 26 degrees north latitude and east of 86 degrees west longitude.

SEC. 111. No funds provided in this title may be expended by the Department of the Interior for the conduct of leasing, or the approval or permitting of any drilling or other exploration activity, on lands within the North Aleutian Basin planning area.

SEC. 112. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and leasing activities in the Eastern Gulf of Mexico for Outer Continental Shelf Lease Sale 137 or for Sale 151 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 113. No funds provided in this title may be expended by the Department of the Interior for the conduct of preleasing and

leasing activities in the Atlantic for Outer Continental Shelf Lease Sale 145 in the February 1991 draft proposal for the Outer Continental Shelf Natural Gas and Oil Resource Management Comprehensive Program, 1992-1997.

SEC. 114. None of the funds made available by this Act may be used for the implementation or financing of agreements or arrangements with entities for the management of all lands, waters, and interests therein on Matagorda Island, Texas, which were purchased by the Department of the Interior with federally appropriated amounts from the Land and Water Conservation Fund.

SEC. 115. The provision of section 114 shall not apply if the transfer of management or control is ratified by law.

SEC. 116. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, any appropriations or funds available to the Department of the Interior in this Act may be used to provide nonmonetary awards of nominal value to private individuals and organizations that make contributions to Department of the Interior programs.

SEC. 117. Appropriations under this title in fiscal year 1992 and thereafter, may be made available for paying costs incidental to the utilization of services contributed by individuals who serve without compensation as volunteers in aid of work for units of the Department of the Interior.

The CHAIRMAN. Are there any points of order against title?

#### POINTS OF ORDER

Mr. RAHALL. Mr. Chairman, on behalf of myself, the gentlewoman from Nevada [Mrs. VUCANOVICH], and the gentleman from Wyoming [Mr. THOMAS], I raise points of order against the following provisions on the grounds that they violate clause 2, rule XXI, of the rules of the House:

Beginning with "Provided" on page 10, line 10 through page 12, line 11;

Beginning with "Provided" on page 24, line 9 through line 11;

Beginning with "Provided" on page 25, line 10 through line 15; and

Beginning with "Provided" on page 28, line 9 through "95-87;" on page 30, line 1.

The CHAIRMAN (Mr. GORDON). Does any member wish to be heard on the points of order?

Mr. YATES. Mr. Chairman, I concede the points of order.

The CHAIRMAN. The points of order are conceded, and sustained, and those provisions are stricken.

#### AMENDMENTS OFFERED BY MR. ROE

Mr. ROE. Mr. Chairman, I ask unanimous consent that I be permitted to offer my amendments at this time and that they be considered en bloc notwithstanding the fact that we have not come to that point in the reading. This request has been cleared by the minority.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, I offer two amendments.

The Clerk read as follows:

Amendments offered by Mr. ROE: On p. 83, insert before the period on line 20 the follow-

ing: "Provided further, That none of the funds appropriated herein shall be made available for acquisition of land of the Smithsonian Environmental Research Center before the date of the enactment of an act authorizing the use of funds for that purpose."

On p. 84, insert before the period on line 25 the following: "Provided, That none of the funds appropriated herein shall be made available for construction of the East Court Building project, National Museum of Natural History before the date of the enactment of an act authorizing the use of funds for that purpose."

Mr. ROE (during the reading). Mr. Chairman, I ask unanimous consent that the amendments be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

Mr. ROE. Mr. Chairman, my amendments are straightforward and non-controversial.

Assumed within the general appropriation of approximately \$286 million for salaries and expenses of the Smithsonian Institution is \$300,000 for acquisition of land at the Smithsonian Environmental Research Center.

Also assumed within the appropriation of \$20.1 million for construction is \$10 million for continued renovation and construction of the East Court Building project of the National Museum of Natural History. Both programs have not been authorized.

My en bloc amendment simply provides that the funds for both programs would not be made available before enactment of an act authorizing the use of funds for those purposes.

My amendment does not strike the \$300,000 for land acquisition or the \$10 million for the East Court project or reduce the Smithsonian's overall appropriation. It simply limits the funds to enactment of authorizing legislation.

Mr. Chairman, tomorrow our Subcommittee on Public Buildings and Grounds has scheduled a hearing on these matters. This hearing is a result of several meetings that have been held with representatives of the Smithsonian to discuss authorization of the necessary land acquisition and the East Court project. Thus, pursuant to the normal legislative process, these matters are being considered by the Public Works Committee. Circumventing that process means that these issues escape the scrutiny normally afforded other proposals.

My amendment is intended to protect and insure the prerogatives of the authorization process and I urge its adoption.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. ROE. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we accept the amendments.

Mr. HAMMERSCHMIDT. Mr. Chairman, will the gentleman yield?

Mr. ROE. I yield to the gentleman from Arkansas.

Mr. HAMMERSCHMIDT. Mr. Chairman, I support the gentleman's amendments.

Public Law 101-455 appropriated in fiscal year 1991 \$30 million for the design and construction of approximately 80,000 square feet of space within the East Court of the National Museum of Natural History. The \$20,100,000 appropriated in H.R. 2686 for fiscal year 1992 has yet to be authorized. The House Public Works and Transportation Committee should review and authorize this request for fiscal year 1992 moneys prior to any appropriation. I urge my colleagues to support the gentleman's amendment.

I rise in strong support of the gentleman's amendment. Clearly the proposed acquisition of three parcels of land for the Smithsonian's Environmental Research Center should be reviewed and authorized by the Public Works and Transportation Committee prior to any funds being appropriated. I urge my colleagues to support the gentleman's amendment.

Mr. SAVAGE. Mr. Chairman, I move to strike the last word.

Mr. Chairman, without any less respect for my distinguished colleague from Illinois and chairman of the committee, I just want to point out that I rise in strong support of this amendment. As the record shows, I have before supported this simple concept: Projects subject to the jurisdictional authority of the Committee on Public Works and Transportation or any other authorizing committee should not be funded without proper authorization.

The committee feels so strongly about this concept that already this year, on this floor, we have been compelled on two occasions to make points of order against appropriations bills that sought to override our jurisdiction; and both objections were duly upheld, of course.

My Subcommittee on Public Buildings and Grounds plans to hold hearings on these projects tomorrow. Surely, the Appropriations Committee could have let the normal legislative process be followed.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. SAVAGE. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, this gentleman from Illinois has conceded the points of order and, in effect, stated the gentleman is correct.

Mr. SAVAGE. If I may, I just want though to proceed to make this point with regard to the Smithsonian because, as chairman of the Subcommittee on Public Buildings and Grounds of the Committee on Public Works, I specifically—in my office privately and in subcommittee hearing publicly—have respectfully, clearly and firmly advised the Smithsonian to cease its practice of circumventing the authorizing process; and amending these provisions in this legislation will, I hope, convince

all that the prerogatives of this body's diligent and knowledgeable authorizing committees must be protected; and, to this end, I urge adoption of the amendments.

The CHAIRMAN. The question is on the amendments offered by the gentleman from New Jersey [Mr. ROE].

The amendments were agreed to.

Mr. GUNDERSON. Mr. Chairman, I move to strike the last word in order that I may enter into a colloquy.

I would like to take this opportunity to request assistance from the chairman of the Appropriations Subcommittee on Interior, Mr. YATES, and from the ranking member on this side of the aisle, Mr. REGULA, to address a critical funding shortfall at the National Fish Laboratory in La Crosse, WI.

Mr. Chairman, you will recall my testimony over the past 3 years before the committee in which I have requested additional operations and maintenance funds for the La Crosse lab. I wish to express my appreciation for the committee's efforts.

The problem is this: First, last year the committee directed \$500,000 in zebra mussel research funds to the lab. Unfortunately, the research funds cannot be applied to meeting maintenance needs; second, 2 years ago the committee provided \$175,000 for the lab's maintenance account, but the Fish and Wildlife Service interpreted congressional intent as requiring only a 1-year infusion of funds.

Given that the lab has realized less than a 3-percent funding increase since 1983, and given that the lab will receive no increase in either research or operations and maintenance funding this year, I would like to ask the chairman or the ranking member how we might further address this funding shortfall?

Mr. YATES. I appreciate the gentleman's further efforts to obtain needed maintenance funds for the National Fish Laboratory in La Crosse. Our next step in this effort can best be achieved in three ways.

First, before the House-Senate conference on this bill, I will request that the Fish and Wildlife Service assess the critical maintenance needs at the La Crosse Fish Lab and report back to the committee within 30 days. This same request was made in 1989, though the Service failed to incorporate any of its findings in its subsequent budget request. This assessment will then allow us to consider further funding in conference to meet the needs of the La Crosse lab.

Second, I will make it clear that congressional intent in the fiscal year 1990 report was that increased funding for the lab's operations and maintenance account should be directed at base funding, not at cyclical maintenance funding.

Third, I will also direct the Service to include a detailed list of the La Crosse lab's maintenance needs to accompany its funding request next year.

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Mr. GUNDERSON. Mr. Chairman, I deeply appreciate the remarks of the gentleman.

Mr. REGULA. Will the gentleman yield?

Mr. GUNDERSON. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I concur in the remarks of the gentleman from Illinois [Mr. YATES], and I think we will be able to address the problem.

Mr. GUNDERSON. Mr. Chairman, I simply want to thank both the chairman and ranking member of the committee for their continued interest and efforts over the past 3 years.

Mr. STUDDS. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, on behalf of the Committee on Merchant Marine and Fisheries, I rise to clarify the committee's intent with respect to a provision in the bill that attempts to place a cap on expenditures from the sport fish restoration account, which is more commonly known as the Breaux-Wallop fund. It is financed entirely through contributions from sport fishermen and boaters and is spent exclusively on sport fish restoration projects.

The Committee on Merchant Marine and Fisheries has strongly opposed attempts to withhold or divert funds from this account in the past and believes that we would be setting a terrible precedent if we begin to use these funds for purposes unrelated to the restoration of sport fisheries.

We also believe that this provision does not have the intended effect of capping expenditures from the Breaux-Wallop fund. If we are correct, the provision will be without legal effect. We nevertheless believe it should be struck from the bill because its inclusion would create a great deal of confusion about congressional intent and complicate the administration of the Breaux-Wallop program.

In closing, I simply want to ask the chairman if he is willing, in light of these arguments, to assure me of his intention to reconsider this provision in conference.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. STUDDS. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I want to assure the gentleman that we are very much interested in the proper administration of the sport fisheries account, and that I will do everything I can to review and reconsider this provision.

Mr. STUDDS. Mr. Chairman, I thank the chairman. Sports fishermen and unsports fishermen have no greater friend than he.

Mr. GRADISON. Mr. Chairman, I move to strike the last word.

Mr. Chairman, as the ranking Republican member of the Budget Committee, I must inform the House that this



emergency firefighting provision and a similar one elsewhere in the bill for the Forest Service violate the budget agreement we worked so hard to forge last fall.

Section 250(c)(4)(A) of the Deficit Control Act of 1985, as amended by OBRA 1990, states:

For fiscal years 1991, 1992, and 1993 \*\*\* Discretionary appropriations \*\*\* shall be those so designated in the joint statement of managers accompanying the conference report on the Omnibus Budget Reconciliation Act of 1990.

The statement of managers designates the firefighting accounts under the Interior Subcommittee as discretionary spending. It is clear that firefighting funds were intended to be included under the spending caps and not as emergencies.

The committee has created these new emergency accounts for the explicit purpose of avoiding spending restrictions imposed by the Budget Enforcement Act. They simply had too many requests for special projects. Rather than exclude their colleagues' projects, they resorted to budgetary slight of hand in order to exceed their allocation.

I am not against funding firefighting. The firefighting accounts should be fully funded to the level requested by the President. What I am protesting is the way in which the committee has chosen to fund this activity. Rather than make the hard choice between protecting our national parks, forests, and public lands or funding low priority special interest programs and projects, the committee chose to create an "emergency fund" so that they could legally spend more than their allocation.

Frankly, this is all a little too clever by half. They are trying to have their cake and eat it too. The subcommittee chairman has said that fire suppression funds should be mandatory. Maybe so, but they were included under the discretionary caps of the budget agreement. If fire suppression funds are to be moved to the mandatory category, then the discretionary cap should be reduced.

My real concern is the trend toward creating new emergencies in order to avoid budgetary constraints. Two weeks ago, we had \$14 million in the veterans appropriation. Today, we have \$213 million for firefighting. Later this week we will have a \$600 million emergency fund for LIHEAP.

If firefighting is an emergency, why not FEMA disaster loans? How about farm disaster payments? The committee is deliberately confusing the issue and violating the spirit if not the letter of the Budget Enforcement Act. Of course forest fires are emergencies, but like FEMA and other disaster-related programs, they are emergencies that are routinely planned for and which are normally funded in appropriations.

They are explicitly recognized as such in the Budget Enforcement Act.

It is plain to see where this all ends; before long everything will become an emergency and we will have no more budget discipline. The proper course is to draw the line, make the hard political choices and get the budget under control.

Mr. Chairman, I want to, in closing, call Members' attention to a statement issued by the administration on this subject, which expresses concern about this bill; so serious that the statement of administration policy indicates that if these items are not corrected, the President's senior advisers will recommend that the bill be vetoed.

On the subject of firefighting scorekeeping, I would like to just read three short paragraphs from the administration's statement, so at least the committee can take these views into account as it proceeds to consider this issue:

Although the Committee restored \$213 million in discretionary funding for firefighting costs eliminated by the Subcommittee, the Administration strongly objects to the approach taken in the amendment. The bill, as amended, would preclude use of the funds unless the President declares an emergency, thus exempting all expenditures from applicable spending limits. This appears to be a gimmick designed to force the President to declare an emergency for clearly anticipated costs and thereby evade the domestic discretionary caps. As such, it is a violation of the budget agreement.

Because these costs can be reasonably anticipated and funded in advance, the Office of Management and Budget would not recommend to the President that he designate appropriations for this purpose as "emergency requirements." The President's request reflects the average of annual firefighting costs over the past decade. The approach adopted by the Committee is inconsistent with the spirit and intent of the "emergency" exception in the Budget Enforcement Act (BEA).

The Administration urges the House to fund firefighting operations at the level of anticipated firefighting needs and to do so within the domestic discretionary spending limits established by the BEA.

Mr. Chairman, let me just complete this by saying to my colleagues I have no amendment to offer at this stage. I simply wanted to, in my capacity as a member of the Committee on Budget, to call the attention of the House to this Member's opinion, that there is a problem here that needs to get fixed. If it cannot be fixed on the floor, perhaps it can be done in the conference.

AMENDMENT OFFERED BY MR. VENTO

Mr. VENTO. Mr. Chairman, I ask unanimous consent to offer an amendment.

The CHAIRMAN. The Clerk will report the amendment.

The Clerk read as follows:

Amendment offered by Mr. VENTO: On page 19, line 23, strike the period and insert the following: "Provided further, That until March 1, 1992, none of the funds appropriated under this head may be expended for the

Steamtown National Historic Site unless specifically authorized."

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

Mr. BURTON of Indiana. Mr. Chairman, reserving the right to object, I just want to make sure I have this clarified; that section pertains to construction of a gateway park associated with the Illinois and Michigan Canal and National Heritage Quarter?

Mr. VENTO. Mr. Chairman, will the gentleman yield under the reservation?

Mr. BURTON of Indiana. I yield to the gentleman from Minnesota.

Mr. VENTO. Mr. Chairman, no, that is another matter. This does not deal with that matter. This is a unanimous consent request, really, in lieu of offering an amendment to strike this, an agreement has been worked out between myself and the gentleman from Pennsylvania [Mr. MCDADE] whose district is contained therein.

Mr. BURTON of Indiana. This does not pertain to the Illinois and Michigan Canal and National Heritage Quarter?

Mr. VENTO. If the gentleman will yield, no, it does not.

Mr. BURTON of Indiana. Mr. Chairman, I withdraw my reservation of objection.

The CHAIRMAN. Is there objection to the request of the gentleman from Minnesota?

There was no objection.

The CHAIRMAN. The gentleman from Minnesota [Mr. VENTO] is recognized for 5 minutes in support of his amendment.

□ 1250

Mr. VENTO. Mr. Chairman, as I indicated, I was prepared to offer an amendment to strike \$14 million from the National Park Service construction appropriations account because it represents unauthorized funding for the Steamtown National Historic Site. However, after discussions with Representative MCDADE, who represents the area in question, he and I have come to agreement on bill language that is embodied in the amendment I am now offering. This amendment, which I understand Chairman YATES will also support, allows the authorization process to proceed in an orderly fashion before further funds are spent on Steamtown National Historic Site.

To his credit, the gentleman from Pennsylvania [Mr. MCDADE] has indicated his willingness to introduce an authorization bill to provide funding for Steamtown National Historic Site. I, in turn, have indicated my willingness to work with the gentleman to address this matter. The gentleman from Pennsylvania has also agreed to accept my amendment that prohibits expenditures of funds for Steamtown National Historic Site from October 1, 1991 to March 1, 1992, unless specifically au-

thorized. I expect a full review of the situation and proper authorization to take place before that time.

Mr. Chairman, we have all heard that we should not look a gift horse in the mouth. The railroad yards and rolling stock at Steamtown National Historic Site are such a gift horse. Steamtown National Historic Site in Scranton, PA, consists of the Delaware, Lackawanna, and Western Railroad yard and the Steamtown collection assembled by the late F. Nelson Blount which includes a significant number of non-American engines and trains. Donated to the National Park Service, the collection of 35 locomotives and 82 pieces of rolling stock includes locomotives and cars with an appraised value of \$1.2 million and railroad yards with an appraised value of \$1 million. To date, the National Park Service has spent \$39 million there. That \$39 million has gone to a variety of projects.

In 1986 the Congress authorized the site and with it appropriations of \$20 million for Steamtown. In less than 5 years the funds spent on the site have nearly doubled the authorized level. Furthermore, I understand that the total development costs at Steamtown are expected to exceed \$65 million. Steamtown National Historic Site well illustrates some of the difficulties we encounter when appropriations precedes authorization. This year's appropriation bill includes an additional \$14 million for Steamtown. This is the single largest item in the National Park Service construction appropriation.

In an era of very tight budgets when parks all over the Nation cry for essential funding to prevent further deterioration of their precious resources. Unless my amendment is adopted, we would be spending \$14 million without the checks and balances of the normal authorization/appropriations process.

There are other problems as well. The park's comprehensive management plan states:

The National Park Service will not accept donation of any properties unless and until they have been cleared of toxic substances and hazardous materials.

I understand that the National Park Service is paying thousands of dollars to clean up the rail yard, to remove the asbestos, toxic substances including PCB's and mercury, to clean up contaminated soils on lands that they technically do not own.

The comprehensive management plan also calls for reconstruction of the partial roundhouse, coal tipple, water cranes, sand tower, passenger shelter, and cinder pit for a total construction cost of these items of \$13,451,000. National Park Service policies strongly discourage reconstruction of missing historic structures. In a park with 258,000 square feet of buildings and 1 million objects including 35 locomotives and 82 other rolling stock, the National Park Service is here propos-

ing spending over \$13 million to reconstruct additional structures when existing ones will cost millions to keep up each year. At \$13 million for reconstruction, Steamtown National Historic Site is a major reconstruction project.

Mr. Chairman, these are the types of questions that deserve review, especially when coupled with the necessary change in authorization from \$20 million to \$65 million in less than 5 years. It is time to stop and examine these expenditures carefully. It is time to decide if the plans envisioned for Steamtown National Historic Site are really in keeping with its legislative purposes and national park policies. My amendment is quite simple: stop and look and listen—just as it says at railroad crossings; and make sure that Steamtown is really on the right track and not a runaway engine.

Mr. Chairman, I also want to bring to the attention of Members that there are other projects in this appropriations bill which are being funded under the color of the 1935 Historic Sites Act. As chairman of the Subcommittee on National Parks and Public Lands, I intend to look very carefully at that law and develop legislation so that it is not used to circumvent the authorization process. I believe that the Historic Sites Act, now 56 years old, has been used to allow financial assistance to various projects that have not been subject to the checks and balances of the authorization/appropriation process. It is a loophole I expect to examine carefully and act upon accordingly. Such an approach will ensure that our parks and other nationally significant areas are properly authorized and funded.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, we accept the amendment on this side.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we also accept the amendment on this side.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Minnesota [Mr. VENTO].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 18, line 24, strike "\$237,506,000" and insert "\$235,506,000".

Page 19, line 7, strike the following: "Provided further, That of the funds provided under this heading, \$2,000,000 shall be available for a grant to restore the Chicago Public Library, Central Building as if authorized by the Historic Sites Act of 1935 (16 U.S.C. 462(e))."

Mr. YATES. Mr. Chairman, I reserve a point of order on the amendment.

Mr. BURTON of Indiana. Mr. Chairman, over the past several weeks I and others in this body have made it kind of a holy crusade to try to attack pork and wasteful spending in the various appropriation bills. Once again today we see some real pork barrel projects. I think the American people want to know about these things. They want to see them cut from these spending proposals. We are facing a \$350 billion to \$400 billion deficit this year alone, the largest in U.S. history, and yet the Appropriations Committee continues to put pork barrel project after pork barrel project in these bills. I think the American people want this waste and abuse to be stopped.

Recently, I think two weeks ago or a week and a half ago we had an experimental fish farming project in Arkansas that was about half a million dollars. We had an underwater research center in Florida for about \$350,000 to \$400,000, and then of course we had the real king of the boondoggles, the pork barrel projects, the extra \$700 million for the renovation of the U.S.S. Kennedy, in addition to the \$500 million that the Navy Department wanted added to one of the appropriation bills, and that was \$700 million in pork.

Well, today, Mr. Chairman, we have a couple extra pork barrel projects added to this bill. The administration has said that there is not enough money in this bill for the national park facilities, but in this section we find that we are spending money on areas that are totally unrelated to the National Park Service.

For instance, this amendment of mine that I am offering now would cut \$2 million in a grant for restoring the Chicago Public Library. Well, on the surface, helping a public library sounds like a laudable objective, but the fact of the matter is that this was not requested by the administration and it was not included by the Appropriations Committee.

The National Park Service is not responsible for maintaining municipal libraries. That is a function of the Chicago city government, not the Federal Government or the National Park Service.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the Chicago Public Library is a national landmark and has been so designated in this way.

I am reading from the National Register: "The Chicago Public Library, 78 East Washington Street," and the Register lists its architects and a description of the building. As it happens, the building is one of the most beautiful buildings in Chicago, let alone in the country. It is a national landmark and



for that reason qualifies for appropriations under the bill.

Mr. BURTON of Indiana. Well, as I understand it, Mr. Chairman, according to my staff, the national park construction section of this bill is not for that purpose. I am very concerned about that. We have other areas in this country that are significant historical landmarks that are wanting. For instance, right now the Independence Hall project, a park project in Philadelphia, I understand several of those buildings have been closed down at least temporarily because there are not enough funds to take care of them.

The Independence Hall itself is in serious need of repair and there are no funds in here for that, and we are going to spend \$2 million for the city of Chicago for a project there that is not of national significance.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman would appreciate knowing, I am sure, the fact that we put money in for Independence Hall reconstruction last year. There was no request for it this year, and that was the reason we did not put money in for it.

We are just as interested as is the gentleman in maintaining the integrity, the construction integrity of Independence Hall, and had the request been made, we would have put it in.

Mr. BURTON of Indiana. Well, the fact of the matter is, Mr. Chairman, this is a special project for the city of Chicago. I do not think it has any place in this bill. It was not requested by the administration. It was not included by the Appropriations Committee.

We have got a lot of other projects that are very important that are going without funding. This is a pork barrel project for the city of Chicago pure and simple.

We are facing a \$350 billion to \$400 billion deficit this year, the largest in U.S. history, and we do not need to be spending money for this purpose.

Mr. YATES. Mr. Chairman, will the gentleman yield further?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, let me say that with respect to Independence Hall, I was in error and the staff has corrected me.

I think the facts are these, as shown by the budget which is a part of our hearings. On page 1424, in 1991, the current fiscal year, Independence Hall received \$8,210,000 for construction.

In this budget, a request was made. I was in error when I said it was not made. In this budget a request was made for funds for reconstruction of Independence Hall in the amount of \$8,971,000, which is more than last year, and we approved it.

Mr. BURTON of Indiana. Well, I thank the gentleman for that informa-

tion, but that does not alter the fact that we are going to be appropriating if this passes, if my amendment fails, \$2 million for a municipal library in Chicago, and it seems to me, Mr. Chairman, that with the deficit problems we have we should not be appropriating that money. There are a lot of other public libraries in this country that would like to have Federal funds that are not getting them and I do not think that Chicago should be singled out for a pork barrel project like this when these other areas of the country are in need and we have this huge national deficit. It is pork pure and simple.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. Does the gentleman from Illinois insist on this point of order?

Mr. YATES. No, Mr. Chairman. I withdraw my reservation of a point of order.

Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, I respect the activity and the thrust of the amendment of the gentleman from Indiana, but in this event the gentleman is totally wrong.

One person's pork is another person's public project, and that is true in this case.

We have provided funds for construction by the Park Service of historic structures throughout the country and to maintain the integrity of national landmarks as well.

In that vein, Mr. Chairman, we have provided funds for historical monuments, such as Faneuil Hall in Boston, the Old State House of Boston, for Independence Hall in Philadelphia, and we will continue to do so, because these are a part of the history of the Government of our country.

We have as well recognized the necessity for conserving national landmarks. The Chicago Public Library which sits in one of the most prominent places in the city of Chicago is a beautiful structure. It is designated as a national landmark, and as such qualified for assistance by the Congress through the National Park Service.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. YATES. Of course, I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I just have one question.

First of all, was this requested by the administration? And second, is this a high priority project or any kind of a priority project of the National Park Service?

Mr. YATES. Well, let me say first, Mr. Chairman, in response to the gentleman's question, the administration did not request it, but that in itself does not mean that the Congress should not consider it. We had 370 Members of Congress either appear before our committee or write to us to

call the attention of our committee to their requests for appropriations for particular projects or items of concern in their own districts.

□ 1300

We approved some of those, we did not approve others. Most of them did not have the approval of the administration. But that does not mean that Congress cannot act on them.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

If the gentleman will answer the second part of that.

Did the National Park Service indicate in any way that was one of their priority items? Or did they even indicate they wanted the money?

Mr. YATES. There are a number of projects that the National Park Service did not request. But that does not mean that the Congress in its wisdom cannot set aside or accept their request and say, "This is a necessary project and deserved."

Mr. BURTON of Indiana. If the gentleman would yield further, does not the National Park Service give the gentleman's committee a list of priorities and items that they think are in urgent need of Federal funds and ask for his support on those projects?

Mr. YATES. That is their budget request. We review their budget request and decide which of the projects the Congress should support.

Mr. BURTON of Indiana. And this was not on that?

Mr. YATES. And this was not on that list.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Ohio.

Mr. REGULA. I thank the gentleman for yielding.

Mr. Chairman, I think it should be pointed out to the gentleman from Indiana that many times the Park Service requests are scrubbed out by OMB. The Park Service is under the requirement that whatever it might want has to clear with OMB. We found many times that priorities of the Park Service and the Forest Service and others will be different from those of OMB, and certainly they will be different from ours.

Therefore, we have the responsibility, as a policymaking body, to make the judgment as to what is important.

Mr. YATES. In line with what the gentleman from Ohio has said, OMB did not request, nor did the administration request, that we appropriate funds for Fisk University, for example, or Tuskegee University or for a parking lot at the Martin Luther King Center.

We thought they were worthy additions to those institutions, and we provided funds for that.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield further?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, I just wanted to point out that we have these huge deficits facing us, and the administration, OMB, and the National Park Service lets the gentleman know their priorities because they know the limitations on spending. So these other projects are over and above those. I just wonder if the gentleman takes those into consideration when he thinks about the great deficit we are facing this year and what kind of an obligation that is going to impose on future generations of Americans?

Mr. YATES. The committee does do that. This bill, as it came into this Hall, was well within the 602(b) allocation of the budget agreement, and I would tell the gentleman that there is a requirement that we have and that is to meet the 602(b) allocation, and we have done that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote, and pending that I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently, a quorum is not present. Pursuant to the provisions of clause 2 of rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 189]

Ackerman	Bentley	Callahan
Allard	Bereuter	Camp
Anderson	Berman	Campbell (CA)
Andrews (ME)	Bevill	Campbell (CO)
Andrews (NJ)	Bilbray	Cardin
Andrews (TX)	Bilbrakis	Carper
Annunzio	Bliley	Carr
Anthony	Boehlert	Chandler
Applegate	Boehner	Clay
Archer	Bonior	Clement
Armey	Borski	Clinger
Aspin	Boucher	Coble
Atkins	Boxer	Coleman (MO)
AuCoin	Brooks	Coleman (TX)
Bacchus	Broomfield	Collins (IL)
Baker	Browder	Collins (MI)
Ballenger	Brown	Combest
Barnard	Bruce	Condit
Barrett	Bryant	Conyers
Barton	Bunning	Cooper
Bateman	Burton	Costello
Beilenson	Bustamante	Coughlin
Bennett	Byron	Cox (CA)

Cox (IL)	Hubbard	Natcher
Coyne	Huckaby	Neal (MA)
Cramer	Hughes	Neal (NC)
Crane	Hunter	Nichols
Cunningham	Hutto	Nowak
Dannemeyer	Hyde	Nussle
Darden	Inhofe	Oakar
Davis	Ireland	Oberstar
de la Garza	Jacobs	Obey
DeFazio	James	Olin
DeLauro	Jefferson	Oliver
DeLay	Jenkins	Ortiz
Dellums	Johnson (SD)	Owens (NY)
Derrick	Johnson (TX)	Oxley
Dickinson	Johnston	Packard
Dicks	Jones (GA)	Pallone
Dingell	Jones (NC)	Panetta
Dixon	Jontz	Parker
Donnelly	Kanjorski	Patterson
Dooley	Kaptur	Paxon
Doolittle	Kasich	Payne (NJ)
Dorgan (ND)	Kennedy	Payne (VA)
Dornan (CA)	Kennelly	Pease
Downey	Kildee	Pelosi
Dreier	Klecicka	Penny
Duncan	Klug	Perkins
Durbin	Kolbe	Peterson (FL)
Dwyer	Kolter	Peterson (MN)
Dymally	Kopetski	Petri
Early	Kostmayer	Pickett
Eckart	Kyl	Pickle
Edwards (CA)	LaFalce	Porter
Edwards (OK)	Lagomarsino	Poshard
Edwards (TX)	Lancaster	Price
Emerson	Lantos	Pursell
Engel	LaRocco	Quillen
English	Laughlin	Rahall
Erdreich	Leach	Ramstad
Espy	Lehman (CA)	Rangel
Evans	Lehman (FL)	Ravenel
Fascell	Lent	Ray
Fawell	Levin (MI)	Reed
Fazio	Lewis (CA)	Regula
Feighan	Lewis (FL)	Richardson
Fields	Lewis (GA)	Ridge
Fish	Lightfoot	Riggs
Flake	Lipinski	Rinaldo
Foglietta	Livingston	Ritter
Ford (TN)	Long	Roberts
Franks (CT)	Lowery (CA)	Roe
Frost	Lowey (NY)	Roemer
Gallegly	Luken	Rogers
Gallo	Machtley	Rohrabacher
Gaydos	Manton	Ros-Lehtinen
Gejdenson	Markley	Rose
Gekas	Marlenee	Rostenkowski
Geren	Martin	Roth
Gibbons	Martinez	Roukema
Gilchrest	Matsui	Rowland
Gillmor	Mavroules	Roybal
Gilman	Mazzoli	Russo
Gingrich	McCandless	Sabo
Glickman	McCloskey	Sanders
Gonzalez	McCollum	Sangmeister
Goodling	McCrery	Santorum
Gordon	McCurdy	Sarpalius
Goss	McDade	Savage
Gradison	McDermott	Sawyer
Grandy	McEwen	Saxton
Gray	McGrath	Schaefer
Green	McHugh	Scheuer
Guarini	McMillan (NC)	Schiff
Gunderson	McMillan (MD)	Schulze
Hall (OH)	McNulty	Schumer
Hall (TX)	Meyers	Sensenbrenner
Hamilton	Mfume	Serrano
Hammerschmidt	Michel	Shaw
Hancock	Miller (CA)	Shays
Hansen	Miller (OH)	Shuster
Harris	Miller (WA)	Sikorski
Hastert	Mineta	Sisisky
Hatcher	Mink	Skaggs
Hayes (IL)	Moakley	Skeen
Hayes (LA)	Mollinari	Skelton
Hefley	Mollohan	Slattery
Hefner	Montgomery	Slaughter (NY)
Henry	Moody	Slaughter (VA)
Herger	Moorhead	Smith (FL)
Hertel	Moran	Smith (IA)
Hoagland	Morella	Smith (NJ)
Hobson	Morrison	Smith (OR)
Hochbrueckner	Mrzek	Smith (TX)
Holloway	Murphy	Snowe
Horn	Murtha	Solarz
Houghton	Myers	Solomon
Hoyer	Nagle	Spence

Spratt	Thomas (WY)	Weber
Staggers	Thornton	Weiss
Stallings	Torres	Weldon
Stark	Torricelli	Wheat
Stearns	Towns	Whitten
Stenholm	Trafiacant	Williams
Stokes	Traxler	Wilson
Studds	Unseald	Wise
Stump	Upton	Wolf
Sundquist	Valentine	Wolpe
Swett	Vander Jagt	Wyden
Swift	Vento	Wyllie
Synar	Visclosky	Yates
Tallon	Volkmer	Yatron
Tanner	Vucanovich	Young (AK)
Tauzin	Walker	Young (FL)
Taylor (MS)	Walsh	Zeliff
Taylor (NC)	Washington	Zimmer
Thomas (CA)	Waters	
Thomas (GA)	Waxman	

□ 1323

The CHAIRMAN. Four hundred and fifteen Members have answered to their names, a quorum is present, and the committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Indiana [Mr. BURTON] for a recorded vote.

A recorded vote was ordered.

The CHAIRMAN. Members will have 5 minutes on this vote.

The vote was taken by electronic device, and there were—ayes 104, noes 318, not voting 10, as follows:

[Roll No. 190]

AYES—104

Allard	Gingrich	Pallone
Archer	Glickman	Paxon
Armey	Gradison	Penny
Baker	Hamilton	Petri
Ballenger	Hancock	Ramstad
Barrett	Hansen	Ridge
Barton	Hefley	Riggs
Bentley	Henry	Rinaldo
Bilbrakis	Herger	Roberts
Bliley	Holloway	Rohrabacher
Boehner	Hunter	Ros-Lehtinen
Broomfield	Inhofe	Roukema
Bunning	James	Santorum
Burton	Johnson (TX)	Saxton
Byron	Johnston	Schiff
Callahan	Kasich	Schulze
Camp	Klug	Sensenbrenner
Campbell (CA)	Kolbe	Shuster
Coble	Kyl	Slaughter (VA)
Combest	Leach	Smith (NJ)
Cox (CA)	Lewis (FL)	Smith (OR)
Crane	Luken	Smith (TX)
Cunningham	Martin	Solomon
Dannemeyer	McCandless	Stallings
DeLay	McCollum	Stearns
Dickinson	McCrery	Stump
Doolittle	McEwen	Taylor (NC)
Dornan (CA)	McMillan (MD)	Upton
Dreier	Meyers	Walker
Duncan	Moorhead	Weber
Fawell	Morella	Weldon
Fields	Nichols	Young (AK)
Gallely	Nussle	Zeliff
Gekas	Oxley	Zimmer
Gilchrest	Packard	

NOES—318

Ackerman	Barnard	Brewster
Alexander	Bateman	Brooks
Anderson	Bellenson	Browder
Andrews (ME)	Bennett	Brown
Andrews (NJ)	Bereuter	Bruce
Andrews (TX)	Berman	Bryant
Annunzio	Bevill	Bustamante
Anthony	Bilbray	Campbell (CO)
Applegate	Boehlert	Cardin
Aspin	Bonior	Carper
Atkins	Borski	Carr
Bacchus	Boucher	Chandler
Boxer	Boxer	Clay



Clement	Jefferson	Poshard
Clinger	Jenkins	Price
Coleman (MO)	Johnson (CT)	Pursell
Coleman (TX)	Johnson (SD)	Quillen
Collins (IL)	Jones (GA)	Rahall
Collins (MI)	Jones (NC)	Rangel
Condit	Jontz	Ravenel
Conyers	Kanjorski	Ray
Cooper	Kaptur	Reed
Costello	Kennedy	Regula
Coughlin	Kennelly	Richardson
Cox (IL)	Kildee	Ritter
Coyne	Kleczka	Roe
Cramer	Kolter	Roemer
Darden	Kopetski	Rogers
Davis	Kostmayer	Rose
de la Garza	LaFalce	Rostenkowski
DeFazio	Lagomarsino	Roth
DeLauro	Lancaster	Rowland
Dellums	Lantos	Roybal
Derrick	LaRocco	Russo
Dicks	Laughlin	Sabo
Dingell	Lehman (CA)	Sanders
Dixon	Lehman (FL)	Sangmeister
Donnelly	Lent	Sarpalus
Dooley	Levin (MI)	Savage
Dorgan (ND)	Lewis (CA)	Sawyer
Downey	Lewis (GA)	Schaefer
Durbin	Lightfoot	Scheuer
Dwyer	Lipinski	Schumer
Dymally	Livingston	Serrano
Early	Long	Sharp
Eckart	Lowery (CA)	Shaw
Edwards (CA)	Lowey (NY)	Shays
Edwards (OK)	Machtley	Sikorski
Edwards (TX)	Manton	Sisisky
Emerson	Markey	Skaggs
Engel	Marlenee	Skeen
English	Martinez	Skelton
Erdreich	Matsui	Slattery
Espy	Mavroules	Slaughter (NY)
Evans	Mazzoli	Smith (FL)
Fascell	McCloskey	Smith (IA)
Fazio	McCurdy	Snowe
Feighan	McDade	Solarz
Fish	McDermott	Spence
Flake	McGrath	Spratt
Foglietta	McHugh	Staggers
Ford (MI)	McMillan (NC)	Stark
Ford (TN)	McNulty	Stenholm
Frank (MA)	Mfume	Stokes
Franks (CT)	Michel	Studds
Frost	Miller (CA)	Sundquist
Gallo	Miller (OH)	Swett
Gaydos	Miller (WA)	Swift
Geldenson	Mineta	Synar
Gephardt	Mink	Tallion
Geren	Moakley	Tanner
Gibbons	Molinar	Tauzin
Gillmor	Mollohan	Taylor (MS)
Gilman	Montgomery	Thomas (CA)
Gonzalez	Moody	Thomas (GA)
Goodling	Moran	Thomas (WY)
Gordon	Morrison	Thornton
Goss	Mrazek	Torres
Grandy	Murphy	Torricelli
Gray	Murtha	Towns
Green	Myers	Trafiacant
Guarini	Nagle	Traxler
Gunderson	Natcher	Unsoeld
Hall (OH)	Neal (MA)	Valentine
Hall (TX)	Neal (NC)	Vander Jagt
Hammerschmidt	Nowak	Vento
Harris	Oakar	Visclosky
Hastert	Oberstar	Volkmer
Hatcher	Obey	Vucanovich
Hayes (IL)	Olin	Walsh
Hayes (LA)	Oliver	Washington
Hefner	Ortiz	Waters
Hertel	Owens (NY)	Waxman
Hoagland	Panetta	Weiss
Hobson	Parker	Wheat
Hochbrueckner	Patterson	Whitten
Horn	Payne (NJ)	Williams
Houghton	Payne (VA)	Wilson
Hoyer	Pease	Wise
Hubbard	Pelosi	Wolf
Huckaby	Perkins	Wolpe
Hughes	Peterson (FL)	Wyden
Hutto	Peterson (MN)	Wyllie
Hyde	Pickett	Yates
Ireland	Pickle	Yatron
Jacobs	Porter	Young (FL)

## NOT VOTING—10

Abercrombie	Levine (CA)	Rhodes
Chapman	Lloyd	Schroeder
Hopkins	Orton	
Horton	Owens (UT)	

□ 1333

Messrs. SWETT, MILLER of Washington, WHITTEN, and SHAYS changed their vote from "aye" to "no."

Messrs. CUNNINGHAM, GLICKMAN, STALLINGS, LEWIS of Florida, and GEKAS changed their vote from "no" to "aye."

Mr. KANJORSKI changed his vote from "present" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

Mr. PICKLE. Mr. Chairman, I move to strike the last word.

I rise to engage the distinguished chairman of the Interior Appropriations Subcommittee in a colloquy regarding the language in the committee's report regarding a new Fish and Wildlife Service ecological field office for Austin, TX.

As the committee is aware, central Texas has had two birds and several cave-dwelling invertebrates—bugs really—placed on the endangered species list. Any endangered species listing creates a great deal of uncertainty for landowners in a region, and central Texas is no exception. To help deal with inquiries from landowners and to work with the community on a plan to protect the endangered species, the U.S. Fish and Wildlife Service has recommended that an ecological field office be opened in Austin, TX. The Fish and Wildlife Service has already spent approximately \$380,000 on the office and needs to spend another \$500,000 in fiscal year 1992 to get the office fully staffed and functioning properly.

The committee has included report language supporting up to \$500,000 for the ecological field office in Austin. I am pleased that the committee has seen fit to support the office, but want to clarify the committee's language.

Is it the intent of the report language that the Fish and Wildlife Service should spend an additional \$500,000 on the Austin Ecological Field Office for fiscal year 1992, and that the language does not represent a cap on the total amount the Fish and Wildlife Service can spend on the Austin office?

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. PICKLE. I yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, the gentleman is correct. The \$500,000 that is stated in the report refers to fiscal year 1992.

Mr. PICKLE. Mr. Chairman, I thank the gentleman.

Mr. BROWN. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise in support of H.R. 2686, the Interior and Related Agencies appropriations bill for fiscal

year 1992. Specifically, I am pleased with the actions taken by the Appropriations Committee in its energy research and development funding for programs under the jurisdiction of the House Science, Space, and Technology Committee. I realize the constraints that the Appropriations Committee has been under this year and, while I take minor exception with some of the funding levels contained in the bill, I support the proposal before the House today.

The House Science, Space, and Technology Committee has approved legislation which authorizes the various research and development [R&D] programs at the Department of Energy [DOE]. Our bill, H.R. 2399, is the first comprehensive energy R&D authorization bill voted out by the committee in many years and represents a careful examination of all of our Federal energy R&D programs. The Interior appropriations bill before us today contains funding for the conservation and fossil fuels R&D programs under our committee's jurisdiction and it is on those programs that I would like to make a few comments.

I am especially pleased to see that the committee has provided needed funding for the Electric and Hybrid Propulsion Development Program. This research effort is directed at developing commercially viable electric vehicle technology and includes a major research and development effort on advanced battery development. This latter research is being carried out with a consortium of private sector companies, assuring a multiplier effect on any Federal funding investment made in this area. The strong emphasis on electric vehicle R&D is welcome and I thank the committee for taking this needed initiative.

The remainder of the energy conservation R&D programs which we have authorized were treated fairly by the committee. As I mentioned before, I can take exception to the funding levels provided, since the committee authorization levels are above those contained in H.R. 2686. But the balance and relative priorities track very closely the program authorizations set forth in our bill. So, I am not going to take issue with the fine work done by the Appropriations Committee.

The same can be said for the fossil R&D programs contained in H.R. 2686. We have slightly higher authorization levels in H.R. 2399, for some of these programs, but the priorities follow very closely on ours. The coal R&D funding for fuel cells and magnetohydrodynamics [MHD] are the same as the Science, Space, and Technology Committee authorized levels.

In summary, I would like to thank the members of the Subcommittee on Interior and the full House Committee on Appropriations for their work on H.R. 2686. In the areas where we have

authorization interests, the bill is a good effort to fashion a sound program of energy R&D. I think that this bill is the start of a productive relationship between our two committees in the critical area of energy research and development.

□ 1340

AMENDMENT OFFERED BY MR. HOAGLAND

Mr. HOAGLAND. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. HOAGLAND: Page 17, line 21, insert before the period the following: "Provided further, That none of the funds appropriated to the National Park Service in this Act may be used to construct horse stables or any other facilities for the housing of horses at the Manassas National Battlefield Park."

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have discussed the amendment with the gentleman from Nebraska and with my ranking member, and we accept the amendment.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. HOAGLAND. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, we accept the amendment.

Mr. HOAGLAND. Mr. Chairman, I am offering amendments today to prohibit the National Park Service from using funds to build additional horse stables at Manassas National Battlefield Park in Virginia.

The Park Service's estimates for the project appear to be fluid. One estimate several months ago was \$80,000. Another in April was \$42,000. Basically, I question whether this is a proper expenditure of taxpayer funds and ask that the funds be cut or used for other purposes.

According to an April 1991 Department of Interior briefing paper, the National Park Service has plans to add new stables and the memo states that Vice President QUAYLE and his family ride at Manassas. The Vice President and his family are entitled to access to recreation like any American family, but not at this cost to the taxpayer.

What are the facts? Quite frankly, they are hard to ascertain. I wrote Secretary Lujan on April 5 requesting clarification of their plans, but I have not received an answer. I do have a letter signed by Secret Service special agent in charge, Joseph T. Petro, in which he urges additional stables and work space at the park for "training for the Vice Presidential Protective Division." He states, "The Vice President, Mrs. Quayle and their children often horseback ride" at Manassas and Rock Creek parks.

The letter describes a special 3-day training session for Vice Presidential Protective Division involving over 40

people in "extensive horseback riding exercises at Rock Creek and Manassas Battlefield Parks. These are two of the locations where Vice President, Mrs. Quayle and their children often horseback ride. The training \* \* \* included horsemanship and practical riding problems with an emphasis on emergency medical care and evacuation. In order to make these exercises as realistic as possible, the fire and rescue units from Washington, DC, and Prince William County and a Vice Presidential helicopter from the U.S. Marine Corps were utilized."

The letter goes on to talk about the coordination involved, about the three long, hot physically demanding days, all the patience and professionalism needed, and all the "complex, practical exercises" involved. It stated they provided a "valuable and very necessary horsemanship training for our agents." Then, the letter states:

"This training has also demonstrated the continuing necessity for additional horse stalls and work space at the Manassas Battlefield Park. In order to conduct this training in the future, the addition to the existing structure is essential. We appreciate your support in approving the construction of this facility which is to begin on October 1, 1990."

I ask unanimous consent to make this document part of the RECORD.

Obviously, the \$42,000 to build the stalls is just a drop in the bucket. Is it that important to go horseback riding? Most Americans do quite well without it.

Even the \$42,000 is a lot; \$42,000 may not sound like a lot of money in terms of this bill, but most Americans would love to earn \$42,000 per year. In terms of Federal expenditures, we should look at what \$42,000 would provide: 17 college student Pell grants; 24,034 school lunches; 1 month of nursing home stay for 16 elderly people. In my home district of Omaha, \$42,000 would educate 11 elementary students in 1 year and pay for 2,333 polio shots.

I have basically two objections to this proposed construction. The first relates to the National Park Service's many needs and limited funds. As a member of the Subcommittee on National Parks, I have participated in budget hearings on the National Park Service's backlog of millions of dollars in restoration and maintenance of visitors' centers and trails. Because of budget constraints throughout the system, visitor center hours have been reduced and seasonal positions have been scaled back and in some areas entirely eliminated. Management plans—including the one for Manassas—are delayed. There are many needs that more directly serve the public. The administration requested zero funds for urban parks and zero funds for the rivers and trails conservation program. It just does not seem right to find extra money for the horse riding activities by high governmental officials when the administration tells us they cannot

fund the pressing needs of the public's parks.

My second concern is for the integrity of the Manassas National Battlefield Park. The construction of horse stables is inconsistent with the inherent purpose of the park—to preserve history—and with NPS's plans to restore the park to the way it was during the Civil War. In fact, former National Park Service Director William Penn Mott rejected a 13-stall, \$500,000 equestrian center in 1987 because it would violate the historic character of the Manassas National Battlefield Park. New horse stables are not a fitting part of a Civil War battlefield.

Mr. Speaker, our national parks should be national parks enjoyed by all people on an equal basis. They should not serve the private needs of top administration officials at extra expense to the public.

I urge my colleagues to support this amendment in the interest of the wise expenditure of limited taxpayer dollars.

Mr. Chairman, I am including for the RECORD the letter from special agent in charge Joseph T. Petro, as follows:

DEPARTMENT OF THE TREASURY,  
U.S. SECRET SERVICE,  
June 8, 1990.

Mr. JAMES M. RIDENOUR,  
Director, National Park Service, Department of the Interior, Washington, DC.

DEAR DIRECTOR RIDENOUR: On June 4, 5, and 6, 1990, the Vice Presidential Protective Division participated in extensive horseback riding exercises at Rock Creek and Manassas Battlefield Parks. These are two of the locations where Vice President, Mrs. Quayle and their children often horseback ride. The training, which involved more than 40 people, included horsemanship and practical riding problems with an emphasis on emergency medical care and evacuation. In order to make these exercises as realistic as possible, the Fire and Rescue units from Washington, D.C. and Prince William County and a Vice Presidential helicopter from the U.S. Marine Corps were utilized.

Whenever a training exercise involves so many people and separate organizations, coordination becomes essential. In this regard, I would like to commend to you the outstanding work performed by the U.S. Park Police Horse Mounted Training Unit and the National Park Service Rangers at Manassas. Both units endured three long, hot and physically demanding days to make these exercises meaningful for us. The success of this training was the result of the competence, professionalism and patience of Sergeant Alex Wynn and his staff along with Rangers Carl Hanson, Denis Ayers and Barbara Mauller. They not only coordinated the complex practical exercises, but also provided valuable and very necessary horsemanship training for our agents. We are grateful to them for their contributions.

This training has also demonstrated the continuing necessity for additional horse stalls and work space at the Manassas Battlefield Park. In order to conduct this training in the future, the addition to the existing structure is essential. We appreciate your support in approving the construction of this facility which is to begin on October 1, 1990.

Again, please express our gratitude to all the National Park Service and U.S. Park Po-



lice personnel who were involved in this training. It was most beneficial in helping us to maintain a safe environment for the Vice President and his family when they participate in horseback riding activities. We look forward to working with the outstanding individuals of both organizations in the future.

Sincerely,

JOSEPH T. PETRO,  
Special Agent in Charge.

Mr. REGULA. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I think we need to get the facts out on this.

Manassas is a large battlefield national park. There are many miles of horse and walking trails. Because of the nature of the trails they are not subject to being policed by motor vehicle.

They are used by thousands of people in the Virginia-Washington area who like to ride and hike. The Park Service, to ensure the safety of all who use these trails, does maintain at the present time three horses at Manassas. It is the objective of the barns and the horses housed therein to provide for the safety of all park visitors. The trails are used by some Members of Congress. They are used by the public. They are used by foreign dignitaries. They are occasionally used by the children of the Vice President. Each of these uses is a very proper function. The security of all children is extremely important. The Vice President's children are as much entitled to live a normal life as other children.

I think this is reasonable, but we are willing to accept the amendment, because there has been no request from the Vice President's office, there has been no request to have this expenditure, and our side is perfectly willing to take this amendment and maintain the present numbers of the stables there.

However, it is a security problem for the public that uses the trails at Manassas, and I think it is important that everyone understand that.

I think that what we have here is an effort perhaps to take a crack at something that is totally unfair. Let us keep in mind that these facilities are for the benefit of everyone, and that it is absolutely essential that there be some horses at Manassas if the trails are to be policed in this very large park.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I am happy to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, I think the distinguished gentleman from Nebraska has brought up an interesting point. I think that perhaps the gentleman from Illinois [Mr. YATES] would consider having his committee study the use of Secret Service to protect the children of the Vice President. That may be an extravagance that we can no longer afford.

The question of the children of the Vice President having recreation seems

to me to be an extravagance, and so I think we ought to look into all of that, and while we are doing it, let us look into the use of limousines and chauffeurs around this body, and I am delighted that in looking into Mr. Sununu's travel, the travel of this body is being subjected to minute scrutiny.

I think we are doing a marvelous job of explaining just how cheap a shot can get.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I think the gentleman from Illinois has made a good suggestion, and we will be glad to look into it in our next year's hearings.

Mr. KANJORSKI. Mr. Chairman, I move to strike the requisite number of words.

Mr. Chairman, the gentleman from Nebraska [Mr. HOAGLAND] and I are on the Committee on Banking, Finance and Urban Affairs together, and, of course, we are in the midst of a markup to bail out the FDIC which may cost the taxpayers only \$100 billion or so. We are trying to reform the Deposit Insurance Program in the United States, which may mean that we reduce coverage to certain people on their deposits in banks.

But when I heard that the gentleman from Nebraska [Mr. HOAGLAND] was going to be offering this amendment, it struck me that it was so important that we both had to leave the committee and rush over to the floor.

I have given this matter a great deal of thought over the weekend. I know that we are only talking about \$42,000 but I asked myself, what happens if the Vice President has to ride with the Queen and he cannot properly sit a horse? Certainly the people's republic, a democratic republic like ours, would be terribly embarrassed. It could cause the United States embarrassment throughout the Free World.

□ 1350

There are a couple of ways to avoid this embarrassment. If we could get the Vice President to discontinue two rounds of golf on two Saturdays in Augusta at \$27,000 a round, that would be \$54,000, and that would leave \$12,000 for the horseback lessons. Maybe we should do that.

To be safe, however, I decided to poll my district, where the average Social Security recipient makes an amazing \$416 a month. That is what they get to keep and eat on, pay their rent with, and keep the lights on. So I sent a mass mailing letter that cost Congress \$16,000. Amazingly enough, 42,000 of these people said they would contribute a dollar to the horses.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. I am happy to yield to the gentleman from Indiana.

Mr. BURTON of Indiana. Mr. Chairman, I have great respect for my colleague. We have worked together on a number of projects.

However, I want to ask him one question. Has the gentleman ever taken any trips at taxpayers' expense or gone anywhere on an Air Force jet?

Mr. KANJORSKI. I think in the course of my 7 years in the Congress, I plead guilty to one trip to Eastern Europe for 7 days. Although it is off the subject at hand, I am glad that my colleague has brought this matter to the attention of the House. I happen to be the Member of Congress who has introduced the only junket bill.

If some of my responsible colleagues, whether they be on the Republican side or the Democratic side, really looked at the problem this bill addresses, in addition to the \$400 billion in deficits this year, the fact that we are worrying about the horses for the Vice President's children indicates that there is something wrong with America.

People do not send Members to this Congress to support this type of ridiculous expenditure. I compliment my friend from Nebraska that he picked it up, and I compliment also my friends on the Republican side that are willing to strike this ridiculous expenditure.

Mr. BURTON of Indiana. If the gentleman will continue to yield, how did the gentleman vote on the last amendment that would have stricken \$2 million in pork from this appropriation bill, since the gentleman is attacking the pork barrel?

Mr. KANJORSKI. Reclaiming my time, I voted for a library, and I will vote for a library any day of the week.

Mr. BURTON of Indiana. It was not authorized.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. KANJORSKI. Certainly I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, let Members keep in mind that the issue here is the security of the people that use Manassas Park. It is the public. It is some of the Members of this body. It is foreign dignitaries that visit this country. But mostly, the public. There are miles and miles of horse trails at Manassas Park. They must be policed.

Mr. KANJORSKI. Reclaiming my time, if we start and continue making expenditures like this we will all need Secret Service coverage because our constituents will start shooting.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Nebraska [Mr. HOAGLAND].

The amendment was agreed to.

Mr. AUCCOIN. Mr. Chairman, I move to strike the last word. I am amazed we took almost as much time on the last discussion as we took on the entire defense bill of this Government.

Mr. Chairman, I rise to take this time to speak to one section of this bill that I am particularly proud of. That is

the section that gives major financial relief to families in hard-pressed timber communities in the Pacific Northwest who are innocent victims of the spotted owl crisis, the spotted owl dispute, and the shutdown that that dispute has caused to the forests of the Pacific Northwest.

This section of the bill that I referred to says that in the next year timber counties in the Northwest shall get 90 percent of the timber receipts they received on average since 1986. Let me tell Members why this is so important. Court actions virtually stopping timber harvests have led to mill closures and have put even more mills at risk. Economic activity in many of these communities has taken a nosedive. Few banks are making loans to families or businesses in these areas. Property values are beginning to plunge because no one can tell what the future is or will be until the spotted owl crisis is solved.

The last thing we need now in my region is for schools and roads and municipal services to be choked off, and that would happen were it not for this amendment which preserves receipts to those communities, that they depend upon for those schools, roads, and services.

It seems to me that denial of that would be the cruellest twist of all for honest hard-working families in these timber communities who are being put through enough fear and enough agony already because of this crisis that I have referred to.

This section of the bill is one of the first solid things that the Federal Government has done to show sympathy for the human beings who are caught now in this controversy over the forests of the Pacific Northwest. It is the least we can do. It was the Federal Government's executive department agencies who, in refusing to comply with the law, got this whole question thrown in the court in the first place. Then there was the Federal courts who issued the injunctions that have proved so staggering economically.

It seems simple justice would dictate in this one place in Federal Government, in this Congress, in this people's house, we would recognize, respond, and come to the rescue of people who do need this help.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. AUCOIN. I am delighted to yield to the gentleman from Washington [Mr. DICKS] who worked this language out with me.

(On request of Mr. DICKS, and by unanimous consent, Mr. AUCOIN was allowed to proceed for 2 additional minutes.)

Mr. AUCOIN. I am happy to yield to my friend, the gentleman from Washington [Mr. DICKS].

Mr. DICKS. Mr. Chairman, I want to compliment my friend from Oregon

[Mr. AUCOIN] for his steadfast leadership and his sensitivity, not only to the old growth issue and spotted owls, but most importantly, to people of the Pacific Northwest who will be hurt by the series of administration mistakes and court decisions that have tied the area in an economic knot in the Pacific Northwest over important environmental issue.

I am pleased that we have been able to craft this amendment. I want to work with the gentleman because I know of his concern for those counties, those communities who are going to pay the price, the brunt of this economic downturn.

It is going to be something of great pain and anguish in those rural communities in northern California and southern Oregon, through Oregon, and in Washington State as well. I think this amendment is a life line to those local communities trying to hang in there, as they cope with the human problems associated with this situation.

We are going to need these educational services. We will need the road money. However, we will also need a humane social policy to help these people who are a victim of decisions which they have had no part in causing.

Again, I want to compliment my friend. We worked together on this committee for many years. I also want to thank the gentleman from Illinois [Mr. YATES], the gentleman from Pennsylvania [Mr. MCDADE], the gentleman from Ohio [Mr. REGULA], and the committee members for going along with this and for helping Members in getting this amendment again in this bill.

We will continue to fight this fight. We hope our colleagues in the other body will again agree with this side of this effort.

Mr. AUCOIN. Mr. Chairman, I wish to say to the gentleman from Washington [Mr. DICKS] that his help and leadership in this has been absolutely indispensable for this provision.

With regard to the overall problem, passing legislation in the absence of a lot of help from other branches of the Government, passing regulation here within the Congress to provide to real people solutions to the crisis I referred to, his leadership there is also indispensable. I look forward to continuing to work with the gentleman on that problem, and embodied in what we do here should be some of this in that.

Mr. DICKS. If the gentleman will continue to yield, I will make one final point. We have also put resources in this bill that in timber stand improvement, trail construction, park work, things that will create alternative jobs out there, in the forests, because we know that our people want to work. They are not interested in sitting on the sidelines. They want to be an active part of the community. This bill will also help in that respect.

(By unanimous consent, Mr. AUCOIN was allowed to proceed for 2 additional minutes.)

□ 1400

Mr. AUCOIN. Mr. Chairman, I appreciate the gentleman's last statement. I absolutely agree with that. The people of the Pacific Northwest are not looking for a welfare program. They are looking for ways to work. They want to work. They are very distressed. The gentleman well knows about their inability under these injunctions.

One of the other things I think we should mention, since the gentleman has mentioned some additional provisions of this bill, which will help them obtain work is the initiative that the subcommittee has accepted and has folded into its bill which gives encouragement and initiative to some value added initiatives to create more use out of underutilized species in the Pacific Northwest, to add value added to wood products that are going virtually underutilized today; so that, too, is folded into this bill and that will mean jobs. That is not the whole answer. None of these things is the whole answer, but we are working on it.

Mr. DICKS. Mr. Chairman, if the gentleman will yield further, again working together we want to get these sales prepared. We want to have a pipeline full of sales so that once we fight our way through this legal morass and Congress gets itself in a position to pass a law to deal with this crisis in the Northwest, we will be in a position to have those mills operating.

Frankly, every Member of this House has a stake in this, because without an answer to this problem we are going to see a tremendous escalation in the price of lumber that goes into housing all over this country. You cannot have this kind of a devastating economic impact in the Northwest and not have this entire Congress and this entire Nation face these problems, because we will face them. That is why I think the work of the subcommittee this year has been crucial in trying to get a handle on these overall problems.

The CHAIRMAN. The time of the gentleman from Oregon has expired.

(By unanimous consent, Mr. AUCOIN was allowed to proceed for 1 additional minute.)

Mr. AUCOIN. Mr. Chairman, I wish to direct an inquiry to the manager of the bill, the distinguished gentleman from Illinois [Mr. YATES].

Under soil, water and air management, within the national programs of the Forest Service, in fiscal year 1991, some \$500,000 was included to continue water quality monitoring in the Bull Run watershed on the Mount Hood National Forest, to be undertaken cooperatively with the city of Portland.

Is it the intention of the committee that this vital activity continue at the current level, which adds no new



money to the budget but merely continues an ongoing function between the Forest Service, on the one hand, and the city of Portland on the other?

Mr. YATES. Mr. Chairman, if the gentleman will yield, the gentleman's statement is correct.

AMENDMENT OFFERED BY MR. BURTON OF INDIANA

Mr. BURTON of Indiana. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. BURTON of Indiana: Page 18, line 24, strike "\$237,506,000" and insert "\$233,856,000".

Page 19, line 20, strike the following: "Provided further, That of the funds provided under this heading, \$3,650,000 shall be available for construction of a Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor".

Mr. BURTON of Indiana. Mr. Chairman, yesterday I objected to the rule in that it waived points of order. What that meant simply, I am sure my colleagues all know this, is that there are several areas of this bill where they are legislating on an appropriations bill in violation of the rules of the House, but those points of order where waived, so the only way we could try to strike this pork is by amendment.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, does the gentleman contend that this appropriation is subject to a point of order?

Mr. BURTON of Indiana. No, I am saying this is not subject to a point of order.

Mr. YATES. That is right. The corridor has been authorized.

Mr. BURTON of Indiana. Not by an authorizing committee, it has not.

Mr. YATES. Yes, it has.

I would point out to the gentleman that Public Law 98-398, dated August 24, 1984, is an act that establishes the Illinois and Michigan Canal National Heritage Corridor in the State of Illinois.

Mr. BURTON of Indiana. And it was requested by the administration, correct?

Mr. YATES. In 1984.

Mr. BURTON of Indiana. Was this requested by the administration?

Mr. YATES. The administration signed the act into law; did not veto it. They signed this act into law.

Mr. BURTON of Indiana. Has the administration asked for this appropriation?

Mr. YATES. No. I thought the gentleman was maintaining that this appropriation is subject to a point of order.

Mr. BURTON of Indiana. No. I said it is not subject to a point of order because of the rule yesterday which waived points of order.

Mr. YATES. But I mean, the gentleman was complaining about the rule. The point I am making is that

even if the rule had not waived points of order, you still could not have cited a point of order to this appropriation.

Mr. BURTON of Indiana. Is the Gateway Park authorized? I could not find any authorization for it.

Mr. YATES. Gateway Park is a part of the national heritage corridor.

Mr. BURTON of Indiana. This is specifically for construction of Gateway Park.

Mr. YATES. Apparently the gentleman's advisor is telling him that this is not a park, but the fact is that according to the definition contained in the park corridor—

Mr. BURTON of Indiana. Well, if I may reclaim my time, Mr. Chairman, the fact of the matter is this was not requested by the administration, and I do not believe it was authorized this year by the authorizing committee, this \$3.65 million, and the gentleman can correct me if he would like. It was not authorized this year. It is \$3.65 million for construction of the Gateway Park associated with the Illinois and Michigan Canal National Heritage Corridor.

We have a \$350 billion to \$400 billion deficit staring us in the face this year. This was not requested by the administration. It was not asked for by the authorizing committee this year, and yet here is \$3.65 million. It is an earmark that was not requested.

This is another pork barrel project, very clear and simple. We have a lot of very important historical landmarks around the country that are going wanting this year, while at the same time we are coming up with a new project that is going to cost \$3.65 million.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. BURTON of Indiana. Yes, I am happy to yield to my colleague, the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, the gentleman mentioned that it was not requested by the administration. I have to tell the gentleman that there are a lot of things in this bill that were not requested by the administration, and there are a lot of things that are not in the bill that were requested by the administration. However, I do think in fairness that it is the responsibility of this body of 435 Members representing all the people, establish priorities as to the things that are important to them. I think we bring to the responsibility, and I am talking about the entire House of Representatives, a better judgment on priorities than a handful of people in the administration.

I am not discussing the merits of this, just the policy question. The administration asked for \$90 million for America the Beautiful, and this is a part of making America beautiful, just as their programs are. We reduced it to \$35 million, because speaking on behalf of the 370 Members who requested

projects that were not in the administration's package, we had a different set of priorities; so I think that is an important point to clarify.

Mr. BURTON of Indiana. Mr. Chairman, I thank the gentleman for his comments. That makes my point.

My point is, we have more and more projects that seem to be worthwhile, but when you add them up collectively, they add a huge amount of liability that is being saddled on the backs of the American taxpayers.

The national debt is \$3.3 trillion, and going up rapidly. This year we are going to have a \$350 billion to \$400 billion deficit, the largest in U.S. history. Every man, woman, and child has \$12,000 in debt saddled on their backs because of this national debt, and we are not doing anything about it. We keep coming up with these laudable projects that sound very laudable that are being saddled on the backs of the American people, and they are not called pork. But what are they?

I will tell you, the American people think they are pork.

This is a copy of *Regardie's* magazine. They have a great big hog eating the U.S. Capitol.

Mr. Chairman, that is the perception of this body and the other body to the American people, because we are not controlling our appetite for spending.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. BURTON of Indiana was allowed to proceed for 2 additional minutes.)

Mr. BURTON of Indiana. Mr. Chairman, a few weeks ago we had a dire emergency supplemental. I have a lot of good friends from Pennsylvania, but in that bill you will recall the Navy asked for \$500 million for an overhaul of the U.S.S. *Kennedy*. Because they want to preserve the Naval Shipyard facility at Philadelphia, they added another \$700 million that was not requested by the Defense Department or the Navy Department, but they got it through, \$700 million.

That was important to Philadelphia, and it probably was, because it created more jobs and was going to try to preserve that facility from being cut and done away with, but the fact of the matter is it was almost a billion dollars in pure pork. So where do we draw the line?

The American people want to know when we are going to come to grips with spending. The deficit this year is going to be \$350 to \$400 billion.

This was not requested by the administration. It was not authorized by the authorizing committee, and it is \$3.65 million in my opinion in pure pork, and I think the American people would agree to that.

I believe we have got to come to grips with it. I understand my colleagues on the Appropriations Committee, what you are going through. I know what

you have to deal with, but we are going to have to be a little harder nosed about this if we are going to control this huge deficit that is completely out of control.

Mr. Chairman, I yield back the balance of my time.

Mr. YATES. Mr. Chairman, I rise in opposition to the amendment.

Let me say to the gentleman that I am certainly not interested in pork, but I am interested in worthy projects.

□ 1410

This is a worthy project. The national heritage corridor has been authorized. I read to the gentleman the authorization statute.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I thank the gentleman for yielding.

Mr. Chairman, did the authorizing committee this year ask for \$3.65 million? Was it in the authorization request this year?

Mr. YATES. I do not know whether it did.

Mr. BURTON of Indiana. Well, it was not.

Mr. YATES. Very well.

Mr. BURTON of Indiana. Did the administration ask for it?

Mr. YATES. I would accept the gentleman's word that the authorizing committee did not ask for it and the administration did not ask for it. There are many projects in our bill the administration did not request. I thought the gentleman from Ohio [Mr. REGULA] made a very perceptive statement that we are not bound to accept only the projects that are recommended by the administration. The administration is not the end-all and be-all of what is correct and proper here. Congress has a voice in this as well. That is why we are debating this bill today. The fact that the administration recommends it or does not recommend it is not the ultimate test of the worthiness of a project.

Mr. BURTON of Indiana. I think the point has to be made that when I hear Congress talking about they are not responsible for the deficit and I hear a lot of my colleagues blaming the administration for it, I think this is a perfect example of where the administration wants to reduce spending and control it and they do not want money authorized or spent for this project, and Congress says, "We are not bound by the administration. We have to deal with the people across the country and Congressmen who represent special districts."

So we have to weigh everything. As a result, we do not accept responsibility for it. Yet we are the problem. We have a problem with the spending in this country, not the administration.

We have the power of the purse.

Mr. YATES. I will tell the gentleman exactly what the gentleman from Ohio told him: The administration, for example, requested an America the Beautiful project for \$95 million. It did not define what would beautify America. This project qualifies for beautifying America.

It is a park in the heart of the city of Chicago. I am interested in such projects. And when the administration does request us to support projects that do beautify America, we have got to find the money with which to carry out that purpose. This is such a project. This is a park that would be established at the entrance to the national heritage corridor. It is a part of a total construction project that the State of Illinois has already appropriated \$150 million for, at the other side of this park.

I think it is a very worthy project, and I ask the House to support our appropriation.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Indiana [Mr. BURTON].

#### RECORDED VOTE

Mr. BURTON of Indiana. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 92, noes 323, not voting 17, as follows:

[Roll No. 191]

#### AYES—92

Allard	Hamilton	Pease
Archer	Hancock	Penny
Armey	Hansen	Petri
Baker	Holloway	Pursell
Ballenger	Hopkins	Ramstad
Barrett	Hunter	Riggs
Barton	Hyde	Roberts
Bentley	Inhofe	Rohrabacher
Billirakis	Ireland	Ros-Lehtinen
Broomfield	James	Roth
Bunning	Johnson (TX)	Santorum
Burton	Johnston	Saxton
Camp	Kasich	Schulze
Campbell (CA)	Klug	Sensenbrenner
Clinger	Leach	Shays
Coble	Lewis (FL)	Shuster
Combest	Luken	Smith (TX)
Cox (CA)	Marlenee	Solomon
Crane	McCollum	Stearns
Dannemeyer	McEwen	Stenholm
Doolittle	McMillen (MD)	Stump
Dornan (CA)	Meyers	Swett
Dreier	Miller (OH)	Taylor (MS)
Duncan	Miller (WA)	Taylor (NC)
Fawell	Moorhead	Upton
Fields	Morella	Walker
Galleghy	Nichols	Weber
Gekas	Nussle	Weldon
Gilchrest	Oxley	Zeliff
Gingrich	Packard	Zimmer
Gradison	Paxon	

#### NOES—323

Abercrombie	Bellenson	Brooks	Coleman (MO)	Jenkins	Rahall
Ackerman	Bennett	Browder	Coleman (TX)	Johnson (CT)	Rangel
Anderson	Bereuter	Brown	Collins (IL)	Johnson (SD)	Ravenel
Andrews (ME)	Berman	Bruce	Collins (MI)	Jones (GA)	Ray
Andrews (NJ)	Bevill	Bryant	Condit	Jones (NC)	Reed
Andrews (TX)	Bilbray	Bustamante	Conyers	Jontz	Regula
Annuzio	Bliley	Callahan	Costello	Kanjorski	Richardson
Anthony	Boehlert	Campbell (CO)	Coughlin	Kaptur	Ridge
Applegate	Boehner	Cardin	Cox (IL)	Kennedy	Rinaldo
Aspin	Bonior	Carper	Coyne	Kennelly	Ritter
Atkins	Borski	Carr	Cramer	Kildee	Roe
AuCoin	Boucher	Chandler	Cunningham	Kolbe	Roemer
Barnard	Boxer	Clay	Darden	Kolter	Rogers
Bateman	Brewster	Clement	Davis	Kopetski	Rose
			de la Garza	Kostmayer	Rostenkowski
			DeFazio	Kyl	Roukema
			DeLauro	LaFalce	Rowland
			DeLay	Lagomarsino	Roybal
			Dellums	Lantos	Russo
			Derrick	LaRocco	Sabo
			Dickinson	Laughlin	Sanders
			Dicks	Lehman (CA)	Sangmeister
			Dingell	Lehman (FL)	Sarpalus
			Dixon	Lent	Savage
			Donnelly	Levin (MI)	Sawyer
			Dooley	Lewis (CA)	Schaefer
			Dorgan (ND)	Lewis (GA)	Scheuer
			Downey	Lightfoot	Schiff
			Durbin	Lipinski	Schroeder
			Dwyer	Livingston	Schumer
			Dymally	Long	Serrano
			Early	Lowery (CA)	Sharp
			Eckart	Lowey (NY)	Shaw
			Edwards (CA)	Machtley	Sikorski
			Edwards (OK)	Manton	Siskis
			Edwards (TX)	Markey	Skaggs
			Emerson	Martin	Skeen
			Engel	Martinez	Skelton
			English	Matsui	Slattery
			Erdreich	Mavroules	Slaughter (NY)
			Espy	Mazzoli	Slaughter (VA)
			Evans	McCardless	Smith (FL)
			Fascell	McCloskey	Smith (IA)
			Fazio	McCrery	Smith (NJ)
			Feighan	McCurdy	Smith (OR)
			Fish	McDade	Snowe
			Flake	McDermott	Solarz
			Foglietta	McGrath	Spence
			Ford (MI)	McHugh	Spratt
			Ford (TN)	McMillan (NC)	Staggers
			Frank (MA)	McNulty	Stallings
			Franks (CT)	Mfume	Stark
			Frost	Michel	Stokes
			Gallo	Miller (CA)	Studds
			Gaydos	Mineta	Sundquist
			Gejdenson	Mink	Swift
			Gephardt	Moakley	Synar
			Gibbons	Mollinari	Tallon
			Gillmor	Mollohan	Tanner
			Gilman	Montgomery	Thomas (CA)
			Glickman	Moody	Thomas (GA)
			Gonzalez	Moran	Thomas (WY)
			Goodling	Morrison	Thornton
			Gordon	Mrazek	Torres
			Goss	Murphy	Torricelli
			Grandy	Murtha	Towns
			Gray	Myers	Traficant
			Green	Nagle	Traxler
			Guarini	Natcher	Unsoeld
			Gunderson	Neal (MA)	Valentine
			Hall (OH)	Neal (NC)	Vander Jagt
			Hall (TX)	Nowak	Vento
			Hammerschmidt	Oaker	Visclosky
			Harris	Oberstar	Volkmer
			Hastert	Obey	Vucanovich
			Hayes (IL)	Olin	Walsh
			Hefley	Oliver	Washington
			Hefner	Owens (NY)	Waters
			Henry	Pallone	Waxman
			Herger	Panetta	Weiss
			Hertel	Parker	Wheat
			Hoagland	Patterson	Whitten
			Hobson	Payne (NJ)	Williams
			Hochbrueckner	Payne (VA)	Wilson
			Horn	Pelosi	Wise
			Horton	Perkins	Wolf
			Houghton	Peterson (FL)	Wolpe
			Hoyer	Peterson (MN)	Wyden
			Hubbard	Pickett	Wyllie
			Huckaby	Pickle	Yates
			Hughes	Porter	Yatron
			Hutto	Poshard	Young (AK)
			Jacobs	Price	Young (FL)
			Jefferson	Quillen	



## NOT VOTING—17

Alexander	Hatcher	Ortiz
Bacchus	Hayes (LA)	Orton
Byron	Klecza	Owens (UT)
Chapman	Lancaster	Rhodes
Cooper	Levine (CA)	Tauzin
Geran	Lloyd	

□ 1443

Messrs. ESPY, HERGER, HEFLEY, HUTTO, and CUNNINGHAM changed their vote from "aye" to "no."

Mr. McMILLEN of Maryland changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there further amendments to title I?

Mr. McMILLAN of North Carolina. Mr. Chairman, I move to strike the last word.

Mr. Chairman, the bill has \$213 million in it designated as emergency funds for firefighting purposes in clear violation of the budget agreement.

It is important to make certain that this bill adheres to the spending caps established in the Budget Enforcement Act of 1990. That is a crucial issue.

I would prefer to have offered an amendment with reductions in other discretionary accounts to fund the \$213 million under the caps, but House rules prohibit offering such increases. The Penny-Upton amendment for a 1.7-percent across-the-board cut could be used to fund firefighting and still remain under the overall discretionary caps.

That, in my judgment, is what the Appropriations Committee should have done. Instead, they created what is, in effect, an anticipatory emergency supplemental so that the \$213 million would have to be designated as an emergency by the President, and therefore not subject to the caps we passed last fall. That way, they could, and did, appropriate the money elsewhere to make everyone relatively more happy up to the maximum cap for interior function. This creates a sure-fire violation of the caps by calling what we know to be a certain outlay for firefighting an emergency before it even happens.

The chairman of the subcommittee has argued that firefighting should be mandatory. The Budget Enforcement Act does not say that. The budget agreement clearly and explicitly designates firefighting accounts in the Department of the Interior as domestic discretionary accounts. That is now the law, whether we like it or not.

Section 250(c)(4)(A) of the Budget Enforcement Act specifically defined which accounts are included in domestic discretionary accounts subject to the caps and firefighting accounts are included.

If there are those who want to make firefighting mandatory, then they should abide by the Budget Enforcement Act and introduce a bill to make firefighting a mandatory program and

either offer a \$213 million tax increase that will pay for the new entitlement, or cut another entitlement to conform to the paygo rules of the law. Is firefighting important enough to raise taxes for it? You bet it is. Is it important enough to reduce other entitlements by \$213 million to pay for it? You bet it is. Those are tough choices to be made but they should be made here under this Capitol dome.

The President requested \$525 million for firefighting accounts, based on the past 10 years of experience. In 1990, we spent \$1,055 million for firefighting. The committee has correctly appropriated \$311 million in firefighting spending but designated \$213 million as emergency funds, which must be requested by the President before it can be used. If it is requested, then it would not count against the caps. But it would count against the taxpayers.

This appropriations maneuver reminds me of the old lonesome end trick play in football. You send a man as if he is going off the field so the defense will forget about him and leave him uncovered. This bill is trying to make the firefighting funds the lonesome end of fiscal responsibility, so that the bill can be loaded up with other spending.

The basic problem is that it is an illegal formation under the budget agreement law, which I hope will be corrected in conference.

Mr. Chairman, the real issue is adhering to the spirit and the letter of the Budget Enforcement Act.

Mr. WALKER. Mr. Chairman, I move to strike the last word.

Mr. Chairman, over the last few minutes we have had a rather instructive exercise on the whole issue of pork barrel, and I think a couple of things that I have learned might be useful to get into the RECORD.

I learned in the course of the debate, for example, that 370 Members of the House had requested projects from this subcommittee to be put into the bill. That is a fairly phenomenal number. That is three-quarters of the House of Representatives that evidently has asked at some point for projects to be included in the bill. I do not know, I may even be among them, with that kind of number. But it is a fairly big number.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I think that figure reflects the fact that we are designated as "Representatives." We represent some 550,000 people, more or less, and it is understood that a Member of the House would be more sensitive to what is an important project in his or her district, and how it serves the national interests.

For the Yosemite and the Yellowstone and all of the national parks, the Member from that district would

carry the message of the needs of that particular facility. But it does have a national significance in many instances.

□ 1450

Mr. WALKER. Let me just make certain though that I understand. I just want to clarify one other figure. Is it also true that those 370 Members requested of your subcommittee 3,000 projects?

Mr. REGULA. Approximately. There are duplications in that process, but it illustrates that this is a big country. Obviously there are many worthwhile projects.

Mr. WALKER. That really does give members of the subcommittee a very, very difficult situation to deal with, if there are three-quarters of the House of Representatives coming to them suggesting that there are projects they want, and they are suggesting over 3,000 projects at a time that there is very little money. As the gentleman from North Carolina has just pointed out, we even have to use smoke and mirrors to accomplish what we do in the bill now.

Mr. REGULA. There are tough priority choices.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Illinois.

Mr. YATES. It should be pointed out as well that with respect to a number of programs and projects that are in this bill, there were as many as 50 to 100 Members speaking for the same program or the same project.

For example, we had as many as 50 Members speaking in favor of a certain appropriation for the National Endowment for the Humanities. For the National Endowment for the Arts, we had 100 Members asking the committee to support that appropriation.

So while we had the 370 that did come and ask for our consideration, some of those, as the gentleman from Ohio points out, were duplicative to a very great extent.

Mr. WALKER. I understand, but nevertheless the committee was presented with the situation where 370 Members of Congress asked the committee to find some project or another and the total number of projects that they evidently asked the committee to spend money on was 3,000 or so. Are those correct figures?

Mr. YATES. Yes, I would say so. That is why I thought this committee, this subcommittee did a very good job in culling out the ones we thought that needed the particular appropriation.

Mr. WALKER. I think that it tells a lot of Members, myself included, how difficult the process is. I am wondering if we might be able to get the committee, since this information is obviously available, to get the committee to publish, as a part of the proceedings of the

House today in the CONGRESSIONAL RECORD, that list of 370 Members as well as the 3,000 projects that they wanted the money spent on. There should be no problem with the Members on this. I know of no Member, as I say myself included, if I was part of that list, who should be embarrassed about the fact that they asked for a project.

Mr. YATES. Mr. Chairman, here is volume 12 of our hearings which is testimony of Members of Congress. It contains all of the requests about which the gentleman and I are speaking. It is in this volume.

Mr. WALKER. All 370 Members are in the volume and the 3,000 projects that they requested are in the volume?

Mr. YATES. Are in this volume.

Let me point out also that 370 Members did not appear in person. About 97 Members appeared in person and the remainder of the requests were either in statements that were filed with us or in letters that were written.

Mr. WALKER. Again, I thank the gentleman.

Is a copy of the hearings available through the document room?

Mr. YATES. It is indeed. It is available right now.

Mr. WALKER. So I could request a copy of that yet today and get that from the document room?

Mr. YATES. The gentleman may have this copy.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has expired.

(On request of Mr. BURTON of Indiana, and by unanimous consent, Mr. WALKER was allowed to proceed for 2 additional minutes.)

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. I do not know if the gentleman was here on general debate, but when one takes the BLM, the Forest Service and the parks, we have in excess of a billion visitor days in these facilities. That encompasses a vast majority of the American people and to meet their needs in terms of safety and in terms of their experience in the public facilities is very difficult. It is quite a challenge for the committee to sort out the priorities also we put in over \$1 billion just to meet the needs of the Bureau of Indian Affairs.

Mr. WALKER. I do understand that the gentleman faces a real challenge on this.

Mr. BURTON of Indiana. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Indiana.

Mr. BURTON of Indiana. I would like to make one brief comment. I think that the Appropriations Committee does their very best and by and large does a pretty good job. The problem is we have 3,000 requests for various

projects around the country. Over 300 Members have requested projects from various parts of the country. There is, whether we like it or not, an intimidation factor. If a Member votes against some project, it might hurt them later on when their project comes up for a vote. So we see a lot of Members voting for projects they might not otherwise support. That makes the case for something we have not even talked about today that I would just like to mention briefly.

That is, somebody has to be the final decider or arbiter of what should be or should not be spent. And for that reason, we ought to give the President of the United States what 430 other governors have, and that is a line item veto so we can cut through this and cut a lot of pork out of the process.

I thank the gentleman for yielding. Mr. WALKER. I thank the gentleman. I would simply like to make the point that the gentleman from Indiana, I think, did the House a service by offering his amendment and allowing Members to focus on some of these issues. I support him. I was disappointed others did not.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(By unanimous consent, Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. WALKER. We had quite a discussion out here over an amendment that saved \$42,000 by taking protection away from the Vice President's children. But when it came to voting on \$5.6 million, then some of the Members who spoke so movingly about \$42,000 found it impossible to vote to save \$5.6 million.

Those are some of the things that I think the American people need to look at, but I do not think as Members of the House and particularly Members who are attempting to save money, as the gentleman from the Indiana did earlier, we ought to ignore the fact that the committee is under a very, very difficult situation when they are getting 3,000 requests for projects by over three-quarters of the Members of the House. That presents them with a very difficult task.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Ohio.

Mr. REGULA. For the record, on the \$42,000, that was for the protection of thousands, tens of thousands of people that use Manassas horse and hiking trails.

Mr. WALKER. The reason I made that reference is because I think the gentleman has made it very clear that they were targeting the Vice President's family.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. DORGAN of North Dakota, and by unanimous consent,

Mr. WALKER was allowed to proceed for 1 additional minute.)

Mr. DORGAN of North Dakota. Mr. Chairman, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from North Dakota.

Mr. DORGAN of North Dakota. I have listened with interest to the discussions, and listened to some of the discussion of the gentleman from Indiana earlier. Frankly, I share his concern.

The budget deficit is not \$280 billion and getting better. The real budget deficit is around \$350 to \$360 billion, and we have a very serious problem. I do not dispute that.

I think that the points that are made are useful. But I do think that to suggest somehow the litmus test is, was this in the President's budget, it suggests there is not an alternative set of priorities that could or should be devoted, as Mr. REGULA suggested, to the priorities that represent the priorities of the people who serve in this body as well.

Mr. WALKER. If I may reclaim my time, I think just to point out to the gentleman, some of the Members here have decided that that is exactly what should be done, and we have attempted to put together a bill that would give Members a basis on which to make judgments about whether or not a project does have worth. And one of the criteria to that is, is the project authorized, rather than simply having these come to the floor. And so we are setting, trying to set a kind of criteria, I would hope the gentleman would have joined in that effort, because some criteria for determining which projects are the most worthwhile, it seems to me, is useful.

Mr. DORGAN of North Dakota. Mr. Chairman, I would just say that we all have different priorities.

The CHAIRMAN. The time of the gentleman from Pennsylvania [Mr. WALKER] has again expired.

(On request of Mr. DORGAN of North Dakota, and by unanimous consent, Mr. WALKER was allowed to proceed for 30 additional seconds.)

Mr. DORGAN of North Dakota. If the gentleman would continue to yield, I would just say that we all have priorities. The gentleman from Pennsylvania feels very strongly about the space program. I respect that. That is a priority of his. Some of my colleagues believe that we feel more strongly about a library or an education program than we do a space program. That is a priority of ours. So that difference of priorities blended together in the compromise of the legislative process represents what this Congress wants to do in the areas of public spending.

Mr. WALKER. The way the rules of the House are structured, those priority decisions are supposed to be made by authorizing committees, and the Appropriations Committee is supposed



to function with the priorities that are given them by the authorizing committees.

That is one of the processes that we think should work a little better in the House of Representatives.

The CHAIRMAN. The Committee will rise informally in order that the House may receive a message.

#### MESSAGE FROM THE PRESIDENT

The SPEAKER pro tempore. (Mr. HOYER) assumed the chair.

The SPEAKER pro tempore. The Chair will receive a message.

#### MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mr. Kalbaugh, one of his secretaries.

The SPEAKER pro tempore. The Committee will resume its sitting.

□ 1500

#### DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1992

The Committee resumed its sitting.

The CHAIRMAN. Are there any other amendments to title I? If not, the Clerk will read.

The Clerk read as follows:

#### TITLE II—RELATED AGENCIES DEPARTMENT OF AGRICULTURE FOREST SERVICE FOREST RESEARCH

For necessary expenses of forest research as authorized by law, \$183,572,000 to remain available until September 30, 1993.

#### STATE AND PRIVATE FORESTRY

For necessary expenses of cooperating with, and providing technical and financial assistance to States, Territories, possessions, and others; and for forest pest management activities, \$205,041,000, to remain available until expended, as authorized by law.

#### NATIONAL FOREST SYSTEM

For necessary expenses of the Forest Service, not otherwise provided for, for management, protection, improvement, and utilization of the National Forest System, and for administrative expenses associated with the management of funds provided under the heads "Forest Research", "State and Private Forestry", "National Forest System", "Construction", "Forest Service Firefighting", and "Land Acquisition", \$1,280,947,000 to remain available for obligation until September 30, 1993, including \$30,968,000 for wilderness management, and including 65 per centum of all monies received during the prior fiscal year as fees collected under the Land and Water Conservation Fund Act of 1965, as amended, in accordance with section 4 of the Act (16 U.S.C. 4601-6a(1)).

#### FOREST SERVICE FIREFIGHTING

For necessary expenses for firefighting on or adjacent to National Forest System lands or other lands under fire protection agreement, and for forest fire management and suppression, and emergency operations

on, and the emergency rehabilitation of, National Forest System lands, \$189,803,000, to remain available until expended: *Provided*, That such funds are also to be available for repayment of advances to other appropriation accounts from which funds were previously transferred for such purposes.

#### EMERGENCY FOREST SERVICE FIREFIGHTING FUND

For the purpose of establishing an "Emergency Forest Service Firefighting Fund" in the Treasury of the United States to be available only for emergency rehabilitation and wildfire suppression activities of the Forest Service, \$112,000,000, to remain available until expended: *Provided*, That all funds available under this head are hereby designated by Congress to be "emergency requirements" pursuant to section 251(b)(2)(D) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That funds appropriated under this head shall be made available only after submission to Congress of a formal budget request by the President that includes a designation of the entire amount of the request as an "emergency requirements" for all purposes of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That all funds included in any budget request made pursuant to this paragraph shall be made available one day after submission to Congress: *Provided further*, That notwithstanding any other provision of law, enactment of this section shall not constitute a change in concept or definition under section 251(b)(1)(A) of the Balanced Budget and Emergency Deficit Control Act of 1985 and shall not cause a negative budget authority or outlay adjustment to be made to any discretionary spending limit for the domestic category established by Public Law 101-508.

#### CONSTRUCTION

For necessary expenses of the Forest Service, not otherwise provided for, for construction, \$350,420,000, to remain available until expended, of which \$78,607,000 is for construction and acquisition of buildings and other facilities; and \$271,813,000 is for construction and repair of forest roads and trails by the Forest Service as authorized by 16 U.S.C. 532-538 and 23 U.S.C. 101 and 205: *Provided*, That funds becoming available in fiscal year 1992 under the Act of March 4, 1913 (16 U.S.C. 501) shall be transferred to the General Fund of the Treasury of the United States: *Provided further*, That not to exceed \$113,000,000, to remain available until expended, may be obligated for the construction of forest roads by timber purchasers: *Provided further*, That \$5,000,000 of the funds provided herein for road repairs shall be available for the planned obliteration of roads which are no longer needed.

#### LAND ACQUISITION

For expenses necessary to carry out the provisions of the Land and Water Conservation Fund Act of 1965, as amended (16 U.S.C. 4601-4-11), including administrative expenses, and for acquisition of land or waters, or interest therein, in accordance with statutory authority applicable to the Forest Service, \$90,735,000, to be derived from the Land and Water Conservation Fund, to remain available until expended.

#### ACQUISITION OF LANDS FOR NATIONAL FORESTS SPECIAL ACTS

For acquisition of lands within the exterior boundaries of the Cache, Uinta, and Wasatch National Forests, Utah; the Toiyabe National Forest, Nevada; and the Angeles, San Bernardino, Sequoia, and Cleveland Na-

tional Forests, California, as authorized by law, \$1,148,000, to be derived from forest receipts.

#### ACQUISITION OF LANDS TO COMPLETE LAND EXCHANGES

For acquisition of lands, to be derived from funds deposited by State, county, or municipal governments, public school districts, or other public school authorities pursuant to the Act of December 4, 1967, as amended (16 U.S.C. 484a), to remain available until expended.

#### RANGE BETTERMENT FUND

For necessary expenses of range rehabilitation, protection, and improvement, 50 per centum of all moneys received during the prior fiscal year, as fees for grazing domestic livestock on lands in National Forests in the sixteen Western States, pursuant to section 401(b)(1) of Public Law 94-579, as amended, to remain available until expended, of which not to exceed 6 per centum shall be available for administrative expenses associated with on-the-ground range rehabilitation, protection, and improvements.

#### GIFTS, DONATIONS AND BEQUESTS FOR FOREST AND RANGELAND RESEARCH

For expenses authorized by 16 U.S.C. 1643(b), \$97,000 to remain available until expended, to be derived from the fund established pursuant to the above Act.

#### ADMINISTRATIVE PROVISIONS, FOREST SERVICE

Appropriations to the Forest Service for the current fiscal year shall be available for: (a) purchase of not to exceed 207 passenger motor vehicles of which 17 will be used primarily for law enforcement purposes and of which 176 shall be for replacement only, of which acquisition of 137 passenger motor vehicles shall be from excess sources, and hire of such vehicles; operation and maintenance of aircraft, the purchase of not to exceed two for replacement only, and acquisition of 68 aircraft from excess sources; notwithstanding other provisions of law, existing aircraft being replaced may be sold, with proceeds derived or trade-in value used to offset the purchase price for the replacement aircraft; (b) services pursuant to the second sentence of section 706(a) of the Organic Act of 1944 (7 U.S.C. 2225), and not to exceed \$100,000 for employment under 5 U.S.C. 3109; (c) purchase, erection, and alteration of buildings and other public improvements (7 U.S.C. 2250); (d) acquisition of land, waters, and interests therein, pursuant to the Act of August 3, 1956 (7 U.S.C. 428a); (e) for expenses pursuant to the Volunteers in the National Forest Act of 1972 (16 U.S.C. 558a, 558d, 558a note); and (f) for debt collection contracts in accordance with 31 U.S.C. 3718(c).

None of the funds made available under this Act shall be obligated or expended to change the boundaries of any region, to abolish any region, to move or close any regional office for research, State and private forestry, or National Forest System administration of the Forest Service, Department of Agriculture, without the consent of the House and Senate Committees on Appropriations and the Committee on Agriculture, Nutrition, and Forestry in the United States Senate and the Committee on Agriculture in the United States House of Representatives.

Any appropriations or funds available to the Forest Service may be advanced to the Forest Service Firefighting appropriation and may be used for forest firefighting and the emergency rehabilitation of burned-over lands under its jurisdiction: *Provided*, That no funds shall be made available under this authority until funds appropriated to the

"Emergency Forest Service Firefighting Fund" shall have been exhausted.

The appropriation structure for the Forest Service may not be altered without advance approval of the House and Senate Committees on Appropriations.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to reimburse employees for the cost of State licenses and certification fees pursuant to their Forest Service position and that are necessary to comply with State laws, regulations, and requirements.

Funds appropriated to the Forest Service shall be available for assistance to or through the Agency for International Development and the Office of International Cooperation and Development in connection with forest and rangeland research, technical information, and assistance in foreign countries, and shall be available to support forestry and related natural resource activities outside the United States and its territories and possessions, including technical assistance, education and training, and cooperation with United States and international organizations.

All funds received for timber salvage sales may be credited to the Forest Service Permanent Appropriations to be expended for timber salvage sales from any national forest.

None of the funds made available to the Forest Service under this Act shall be subject to transfer under the provisions of section 702(b) of the Department of Agriculture Organic Act of 1944 (7 U.S.C. 2257) or 7 U.S.C. 147b unless the proposed transfer is approved in advance by the House and Senate Committees on Appropriations in compliance with the reprogramming procedures contained in House Report 99-714.

No funds appropriated to the Forest Service shall be transferred to the Working Capital Fund of the Department of Agriculture without the approval of the Chief of the Forest Service.

Notwithstanding any other provision of law, any appropriations or funds available to the Forest Service may be used to disseminate program information to private and public individuals and organizations through the use of nonmonetary items of nominal value and to provide nonmonetary awards of nominal value and to incur necessary expenses for the nonmonetary recognition of private individuals and organizations that make contributions to Forest Service programs.

Notwithstanding any other provision of law, money collected, in advance or otherwise, by the Forest Service under authority of section 101 of Public Law 93-153 (30 U.S.C. 185(1)) as reimbursement of administrative and other costs incurred in processing pipeline right-of-way or permit applications and for costs incurred in monitoring the construction, operation, maintenance, and termination of any pipeline and related facilities, may be used to reimburse the applicable appropriation to which such costs were originally charged.

Funds available to the Forest Service shall be available to conduct a program of not less than \$1,000,000 for high priority projects within the scope of the approved budget which shall be carried out by the Youth Conservation Corps as if authorized by the Act of August 13, 1970, as amended by Public Law 93-408.

Notwithstanding the provisions of the Federal Grant and Cooperative Agreements Act of 1977 (31 U.S.C. 6301-6308), the Forest Serv-

ice is authorized to negotiate and enter into cooperative arrangements with public and private agencies, organizations, institutions, and individuals to continue the Challenge Cost-Share Program.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting or other forms of even-age management in hardwood stands in the Shawnee National Forest, Illinois: *Provided*, That none of the funds available in this Act shall be used to administer timber sales, including timber sales under contracts entered into prior to fiscal year 1992, which involve clear cutting or other forms of even-age management.

None of the funds available in this Act shall be used for timber sale preparation using clearcutting in hardwood stands in excess of 25 percent of the fiscal year 1989 harvested volume in the Wayne National Forest, Ohio: *Provided*, That this limitation shall not apply to hardwood stands damaged by natural disaster: *Provided further*, That landscape architects shall be used to maintain a visually pleasing forest.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Lewis Fork Creek in Madera County, California, at the site above, and adjacent to, Corlieu Falls bordering the Lewis Fork Creek National Recreation Trail until the studies required in Public Law 100-202 have been submitted to the Congress: *Provided*, That any special use authorization shall not be executed prior to the expiration of thirty calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt of the required studies by the Speaker of the House of Representatives and the President of the Senate.

None of the funds made available to the Forest Service in this Act shall be expended for the purpose of issuing a special use authorization permitting land use and occupancy and surface disturbing activities for any project to be constructed on Rock Creek, Madera County, California.

Any money collected from the States for fire suppression assistance rendered by the Forest Service on non-Federal lands not in the vicinity of National Forest System lands shall be used to reimburse the applicable appropriation and shall remain available until expended as the Secretary may direct in conducting activities authorized by 16 U.S.C. 2101 (note), 2101-2110, 1606, and 2111.

Of the funds available to the Forest Service, \$1,500 is available to the Chief of the Forest Service for official reception and representation expenses.

Notwithstanding any other provision of law, the Forest Service is authorized to employ or otherwise contract with persons at regular rates of pay, as determined by the Service, to perform work occasioned by emergencies such as fires, storms, floods, earthquakes or any other unavoidable cause without regard to Sundays, Federal holidays, and the regular workweek.

The Forest Service shall conduct a below cost timber sales test on the Shawnee National Forest in Illinois in fiscal year 1992.

#### DEPARTMENT OF ENERGY

##### CLEAN COAL TECHNOLOGY

Projects selected pursuant to the fifth general request for proposals to be issued not later than March 1, 1992, shall be subject to

all provisos contained under this head in previous appropriations Acts unless amended by this Act.

Notwithstanding the provisos under this head in previous appropriations Acts, projects selected pursuant to the fifth general request for proposals shall advance significantly the efficiency and environmental performance of coal-using technologies and be applicable to either new or existing facilities: *Provided*, That budget periods may be used in lieu of design, construction, and operating phases for cost-sharing calculations: *Provided further*, That the Secretary shall not finance more than 50 per centum of the total costs of any budget period: *Provided further*, That project specific development activities for process performance definition, component design verification, materials selection, and evaluation of alternative designs may be funded on a cost-shared basis up to a limit of 10 per centum of the Government's share of project cost: *Provided further*, That development activities eligible for cost-sharing may include limited modifications to existing facilities for project related testing but do not include construction of new facilities.

With regard to funds made available under this head in this and previous appropriations Acts, unobligated balances excess to the needs of the procurement for which they originally were made available may be applied to other procurements; (1) for use on projects for which cooperative agreements are in place, within the limitations and proportions of Government financing increases currently allowed by law, or (2) for which requests for proposals have not yet been issued: *Provided*, That hereafter, the Department of Energy, for a period of up to five years after completion of the operations phase of a cooperative agreement may provide appropriate protections, including exemptions from subchapter II of chapter 5 of title 5, United States Code, against the dissemination of information that results from demonstration activities conducted under the Clean Coal Technology Program and that would be a trade secret or commercial or financial information that is privileged or confidential if the information had been obtained from and first produced by a non-Federal party participating in a Clean Coal Technology project: *Provided further*, That hereafter, in addition to the full-time permanent Federal employees specified in section 303 of Public Law 97-257, as amended, no less than 90 full-time Federal employees shall be assigned to the Assistant Secretary for Fossil Energy for carrying out the programs under this head using funds available under this head in this and any other appropriations Act and of which 35 shall be for PETC and 30 shall be for METC: *Provided further*, That hereafter reports on projects selected by the Secretary of Energy pursuant to authority granted under this heading which are received by the Speaker of the House of Representatives and the President of the Senate less than 30 legislative days prior to the end of each session of Congress shall be deemed to have met the criteria in the third proviso of the fourth paragraph under the heading "Administrative provisions, Department of Energy" in the Department of the Interior and Related Agencies Appropriations Act, 1986, as contained in Public Law 99-190, upon expiration of 30 calendar days from receipt of the report by the Speaker of the House of Representatives and the President of the Senate or at the end of the session, whichever occurs later.



# FOSSIL ENERGY RESEARCH AND DEVELOPMENT (INCLUDING RESCISSION)

For necessary expenses in carrying out fossil energy research and development activities, under the authority of the Department of Energy Organization Act (Public Law 95-91), including the acquisition of interest, including defeasible and equitable interests in any real property or any facility or for plant or facility acquisition or expansion, \$453,989,000, to remain available until expended, of which \$438,000 is for the functions of the Office of the Federal Inspector for the Alaska Natural Gas Transportation System established pursuant to the authority of Public Law 94-586 (90 Stat. 2908-2909) and of which \$3,100,000 is available for the fuels program: *Provided further*, That no part of the sum herein made available shall be used for the field testing of nuclear explosives in the recovery of oil and gas.

Of the funds herein provided, \$40,800,000 is for implementation of the June 1984 multiyear, cost-shared magnetohydrodynamics program targeted on proof-of-concept testing: *Provided*, That 35 per centum private sector cash or in-kind contributions shall be required for obligations in fiscal year 1992, and for each subsequent fiscal year's obligations private sector contributions shall increase by 5 per centum over the life of the proof-of-concept plan: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not cost-sharing for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: *Provided further*, That cost-sharing shall not be required for the costs of constructing or operating Government-owned facilities or for the costs of Government organizations, National Laboratories, or universities and such costs shall not be used in calculating the required percentage for private sector contributions: *Provided further*, That private sector contribution percentages need not be met on each contract but must be met in total for each fiscal year.

Funds in the amount of \$8,000,000 provided under this head in Public Law 101-512 to initiate a ten-year industry/government cooperative agreement to design, construct, and operate a proof-of-concept oil shale facility employing modified in-situ retorting and surface processing of mined shale and waste at Federal Prototype Oil Shale Lease Tract Cb near Meeker, Colorado, are rescinded.

## ALTERNATIVE FUELS PRODUCTION (INCLUDING TRANSFER OF FUNDS)

Monies received as investment income on the principal amount in the Great Plains Project Trust at the Norwest Bank of North Dakota, in such sums as are earned as of October 1, 1991, shall be deposited in this account and immediately transferred to the General Fund of the Treasury. Monies received as revenue sharing from the operation of the Great Plains Gasification Plant shall be immediately transferred to the General Fund of the Treasury: *Provided*, That the Department of Energy may not agree to modifications to the Great Plains Project Trust Agreement, dated October 31, 1988, that are not consistent with the following criteria: (1) for the purpose of financing a sulfur control technology project using Government contributions from the Trust, the cost of such project shall not include costs of plant downtime or outages; (2) the Government contribution to such project shall not exceed 50 per centum of the amount of remaining project costs after the disbursement of funds

from the Environmental Account established in section 2(b) of the Trust Agreement, shall be in the form of a loan, and shall not exceed \$30,000,000; (3) no disbursements from either the Reserve Account established in section 2(b) of the Trust Agreement or the Environmental Account shall be made without written assurance from the Environmental Protection Agency that the project technology is proper and that more restrictive emissions constraints over those in current permits will not be imposed; and (4) repayment of any loan shall be from revenues not already due the Government as part of the Asset Purchase Agreement, dated October 7, 1988, and at least in proportion to the Government contribution to the costs of the project net of the disbursement from the Environmental Account for any increased revenues or profits realized as a result of the sulfur control project.

## NAVAL PETROLEUM AND OIL SHALE RESERVES

For necessary expenses in carrying out naval petroleum and oil shale reserve activities, \$238,200,000, to remain available until expended.

## ENERGY CONSERVATION

For necessary expenses in carrying out energy conservation activities, \$559,661,000, to remain available until expended, including, notwithstanding any other provision of law, the excess amount for fiscal year 1992 determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided*, That \$247,893,000 shall be for use in energy conservation programs as defined in section 3008(3) of Public Law 99-509 (15 U.S.C. 4507) and shall not be available until excess amounts are determined under the provisions of section 3003(d) of Public Law 99-509 (15 U.S.C. 4502): *Provided further*, That notwithstanding section 3003(d)(2) of Public Law 99-509 such sums shall be allocated to the eligible programs in the same proportion for each program as in fiscal year 1991: *Provided further*, That of the sums for weatherization assistance for low-income persons, \$3,000,000 shall be for the incentive program authorized by section 415d of the Energy Conservation and Production Act, as amended by Public Law 101-440: *Provided further*, That \$3,000,000 of the amount under this heading shall be for metal casting research consistent with the provisions of Public Law 101-425: *Provided further*, That \$17,968,000 of the amount provided under this heading shall be available for continuing research and development efforts begun under title II of the Interior and Related Agencies portion of the joint resolution entitled "Joint Resolution making further continuing appropriations for the fiscal year 1986, and for other purposes", approved December 19, 1985 (Public Law 99-190), and implementation of steel and aluminum research authorized by Public Law 100-680: *Provided further*, That existing facilities, equipment, and supplies, or previously expended research or development funds are not accepted as contributions for the purposes of this appropriation, except as amortized, depreciated, or expended in normal business practice: *Provided further*, That the total Federal expenditure under this proviso shall be repaid up to one and one-half times from the proceeds of the commercial sale, lease, manufacture, or use of technologies developed under this proviso, at a rate of one-fourth of all net proceeds: *Provided further*, That \$27,000,000 of the amount provided under this head is for electric and hybrid vehicle battery research to be conducted on a cooperative basis with non-Federal entities, such amounts to be available only as

matched on an equal basis by such entities: *Provided further*, That section 303 of Public Law 97-257 is further amended by changing the number for the Office of the Assistant Secretary for Conservation and Renewables from "352" to "397".

## ECONOMIC REGULATION

For necessary expenses in carrying out the activities of the Economic Regulatory Administration and the Office of Hearings and Appeals, \$15,114,000, to remain available until expended.

## EMERGENCY PREPAREDNESS

For necessary expenses in carrying out emergency preparedness activities, \$3,300,000, to remain available until expended.

## STRATEGIC PETROLEUM RESERVE (INCLUDING TRANSFER OF FUNDS)

For necessary expenses for Strategic Petroleum Reserve facility development and operations and program management activities pursuant to the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6201 et seq.), \$185,858,000, to remain available until expended, including \$122,685,000 to be derived by transfer from funds deposited in the "SPR petroleum account" as a result of the test sale of the Strategic Petroleum Reserve begun on September 26, 1990, as authorized under 42 U.S.C. 6241(g)(1): *Provided*, That the provisions of 42 U.S.C. 6241(g)(6)(B) shall not apply to the use of these funds: *Provided further*, That appropriations herein made shall not be available for leasing of facilities for the storage of crude oil for the Strategic Petroleum Reserve unless the quantity of oil stored in or deliverable to Government-owned storage facilities by virtue of contractual obligations is equal to 750,000,000 barrels.

## SPR PETROLEUM ACCOUNT

For the acquisition and transportation of petroleum and for other necessary expenses as authorized under 42 U.S.C. 6247, \$203,000,000, to remain available until expended: *Provided*, That notwithstanding 42 U.S.C. 6240(d) the United States share of crude oil in Naval Petroleum Reserve Numbered 1 (Elk Hills) may be sold or otherwise disposed of to other than the Strategic Petroleum Reserve: *Provided further*, That no funds made available by this or any other Act may be used for leasing, exchanging, or otherwise acquiring except by direct purchase crude oil from a foreign government, a foreign State-owned oil company, or an agent of either, except pursuant to the procedures of section 174, part C, title I of the Energy Policy and Conservation Act (42 U.S.C. 6211 et seq.), as contained in section 6 of Public Law 101-383: *Provided further*, That the running of the 12 month period described in section 161(g)(6)(B) of the Energy Policy and Conservation Act of 1975, as amended (42 U.S.C. 6241(g)(6)(B)), shall be suspended during fiscal year 1992: *Provided further*, That outlays in fiscal year 1992 resulting from the use of funds in this account other than those deposited as a result of a test sale or drawdown of the Reserve shall not exceed \$139,000,000.

## ENERGY INFORMATION ADMINISTRATION

For necessary expenses in carrying out the activities of the Energy Information Administration, \$77,908,000, to remain available until expended.

## ADMINISTRATIVE PROVISIONS, DEPARTMENT OF ENERGY

Appropriations under this Act for the current fiscal year shall be available for hire of passenger motor vehicles; hire, maintenance,

and operation of aircraft; purchase, repair, and cleaning of uniforms; and reimbursement to the General Services Administration for security guard services.

From appropriations under this Act, transfers of sums may be made to other agencies of the Government for the performance of work for which the appropriation is made.

None of the funds made available to the Department of Energy under this Act shall be used to implement or finance authorized price support or loan guarantee programs unless specific provision is made for such programs in an appropriations Act.

The Secretary is authorized to accept lands, buildings, equipment, and other contributions from public and private sources and to prosecute projects in cooperation with other agencies, Federal, State, private, or foreign: *Provided*, That revenues and other moneys received by or for the account of the Department of Energy or otherwise generated by sale of products in connection with projects of the Department appropriated under this Act may be retained by the Secretary of Energy, to be available until expended, and used only for plant construction, operation, costs, and payments to cost-sharing entities as provided in appropriate cost-sharing contracts or agreements: *Provided further*, That the remainder of revenues after the making of such payments shall be covered into the Treasury as miscellaneous receipts: *Provided further*, That any contract, agreement, or provision thereof entered into by the Secretary pursuant to this authority shall not be executed prior to the expiration of 30 calendar days (not including any day in which either House of Congress is not in session because of adjournment of more than three calendar days to a day certain) from the receipt by the Speaker of the House of Representatives and the President of the Senate of a full comprehensive report on such project, including the facts and circumstances relied upon in support of the proposed project.

The Secretary of Energy may transfer to the Emergency Preparedness appropriation such funds as are necessary to meet any unforeseen emergency needs from any funds available to the Department of Energy from this Act.

Notwithstanding any other provision of law, the Secretary of Energy may enter into a contract, agreement, or arrangement, including, but not limited to, a Management and Operating Contract as defined in the Federal Acquisition Regulations (17.601), with a profit-making or non-profit entity to conduct activities at the Department of Energy's research facilities at Bartlesville, Oklahoma.

#### DEPARTMENT OF HEALTH AND HUMAN SERVICES

##### INDIAN HEALTH SERVICE

##### INDIAN HEALTH SERVICES

For expenses necessary to carry out the Act of August 5, 1954 (68 Stat. 674), the Indian Self-Determination Act, the Indian Health Care Improvement Act, and titles III and XXVI and section 208 of the Public Health Service Act with respect to the Indian Health Service, including hire of passenger motor vehicles and aircraft; purchase of reprints; purchase and erection of portable buildings; payments for telephone service in private residences in the field, when authorized under regulations approved by the Secretary; \$1,432,712,000, together with payments received during the fiscal year pursuant to 42 U.S.C. 300aaa-2 for services furnished by the Indian Health Service: *Provided*, That not-

withstanding any other law or regulation, funds transferred from the Department of Housing and Urban Development to the Indian Health Service shall be administered under Public Law 86-121 (the Indian Sanitation Facilities Act): *Provided further*, That funds made available to tribes and tribal organizations through grants and contracts authorized by the Indian Self-Determination and Education Assistance Act of 1975 (88 Stat. 2203; 25 U.S.C. 450), shall be deemed to be obligated at the time of the grant or contract award and thereafter shall remain available to the tribe or tribal organization without fiscal year limitation: *Provided further*, That \$12,000,000 shall remain available until expended, for the Indian Catastrophic Health Emergency Fund: *Provided further*, That \$294,551,000 for contract medical care shall remain available for expenditure until September 30, 1993: *Provided further*, That of the funds provided, \$5,990,000 shall be used to carry out a loan repayment program under which Federal, State, and commercial-type educational loans for physicians and other health professionals will be repaid at a rate not to exceed \$35,000 per year of obligated service in return for full-time clinical service: *Provided further*, That funds provided in this Act may be used for one-year contracts and grants which are to be performed in two fiscal years, so long as the total obligation is recorded in the year for which the funds are appropriated: *Provided further*, That the amounts collected by the Secretary of Health and Human Services under the authority of title IV of the Indian Health Care Improvement Act shall be available for two fiscal years after the fiscal year in which they were collected, for the purpose of achieving compliance with the applicable conditions and requirements of titles XVIII and XIX of the Social Security Act (exclusive of planning, design, or construction of new facilities): *Provided further*, That of the funds provided, \$2,500,000 shall remain available until expended, for the Indian Self-Determination Fund, which shall be available for the transitional costs of initial or expanded tribal contracts, grants or cooperative agreements with the Indian Health Service under the provisions of the Indian Self-Determination Act: *Provided further*, That funding contained herein, and in any earlier appropriations Acts for scholarship programs under the Indian Health Care Improvement Act (25 U.S.C. 1613) shall remain available for expenditure until September 30, 1993: *Provided further*, That amounts received by tribes and tribal organizations under title IV of the Indian Health Care Improvement Act and Public Law 100-713 shall be reported and accounted for and available to the receiving tribes and tribal organizations until expended.

##### INDIAN HEALTH FACILITIES

For construction, major repair, improvement, and equipment of health and related auxiliary facilities, including quarters for personnel; preparation of plans, specifications, and drawings; acquisition of sites, purchase and erection of portable buildings, and purchases of trailers; and for provision of domestic and community sanitation facilities for Indians, as authorized by section 7 of the Act of August 5, 1954 (42 U.S.C. 2004a), the Indian Self-Determination Act and the Indian Health Care Improvement Act, \$295,211,000, to remain available until expended: *Provided*, That notwithstanding any other provision of law, funds appropriated for the planning, design, construction or renovation of health facilities for the benefit of an Indian tribe or tribes may be used to purchase land for sites

to construct, improve, or enlarge health or related facilities: *Provided further*, That the Secretary of Health and Human Services may accept ownership of the buildings offered at no cost by the Standing Rock Sioux Tribe for use solely as the Aberdeen Area's Youth Regional Treatment Center, and may use funds appropriated to the Indian Health Service to renovate the buildings for that purpose.

##### ADMINISTRATIVE PROVISIONS, INDIAN HEALTH SERVICE

Appropriations in this Act to the Indian Health Service shall be available for services as authorized by 5 U.S.C. 3109 but at rates not to exceed the per diem rate equivalent to the maximum rate payable for senior-level positions under 5 U.S.C. 5376, and for uniforms or allowances therefor as authorized by law (5 U.S.C. 5901-5902), and for expenses of attendance at meetings which are concerned with the functions or activities for which the appropriation is made or which will contribute to improved conduct, supervision, or management of those functions or activities: *Provided further*, That in accordance with the provisions of the Indian Health Care Improvement Act, non-Indian patients may be extended health care at all tribally administered or Indian Health Services facilities, subject to charges, and the proceeds along with funds recovered under the Federal Medical Care Recovery Act (42 U.S.C. 2651-53) shall be credited to the account of the facility providing the service and shall be available without fiscal year limitation: *Provided further*, That funds appropriated to the Indian Health Service in this Act, except those used for administrative and program direction purposes, shall not be subject to limitations directed at curtailing Federal travel and transportation: *Provided further*, That with the exception of Indian Health Service units which currently have a billing policy, the Indian Health Service shall not initiate any further action to bill Indians in order to collect from third-party payers nor to charge those Indians who may have the economic means to pay unless and until such time as Congress has agreed upon a specific policy to do so and has directed the Indian Health Service to implement such a policy: *Provided further*, That personnel ceilings may not be imposed on the Indian Health Service nor may any action be taken to reduce the full-time equivalent level of the Indian Health Service by the elimination of temporary employees by reduction in force, hiring freeze or any other means without the review and approval of the Committees on Appropriations: *Provided further*, That none of the funds made available to the Indian Health Service in this Act shall be used to implement the final rule published in the Federal Register on September 16, 1987, by the Department of Health and Human Services, relating to eligibility for the health care services of the Indian Health Service until the Indian Health Service has submitted a budget request reflecting the increased costs associated with the proposed final rule, and such request has been included in an appropriations Act and enacted into law: *Provided further*, That funds made available in this Act are to be apportioned to the Indian Health Service as appropriated in this Act, and accounted for in the appropriation structure set forth in this Act: *Provided further*, That the appropriation structure for the Indian Health Service may not be altered without the advance approval of the House and Senate Committees on Appropriations.



DEPARTMENT OF EDUCATION  
OFFICE OF ELEMENTARY AND SECONDARY  
EDUCATION  
INDIAN EDUCATION

For necessary expenses to carry out, to the extent not otherwise provided, the Indian Education Act of 1988, \$77,547,000, of which \$57,692,000 shall be for subpart 1 and \$16,596,000 shall be for subparts 2 and 3: *Provided*, That \$1,570,000 available pursuant to section 5323 of the Act shall remain available for obligation until September 30, 1993.

OTHER RELATED AGENCIES  
OFFICE OF NAVAJO AND HOPI INDIAN  
RELOCATION

SALARIES AND EXPENSES

For necessary expenses of the Office of Navajo and Hopi Indian Relocation as authorized by Public Law 93-531, \$31,634,000, to remain available until expended: *Provided*, That funds provided in this or any other appropriations Act are to be used to relocate eligible individuals and groups including evictees from District 6, Hopi-partitioned lands residents, those in significantly substandard housing, and all others certified as eligible and not included in the preceding categories: *Provided further*, That none of the funds contained in this or any other Act may be used to evict any single Navajo or Navajo family who, as of November 30, 1985, was physically domiciled on the lands partitioned to the Hopi Tribe unless a new or replacement home is provided for such household: *Provided further*, That no relocatee will be provided with more than one new or replacement home: *Provided further*, That the Office shall relocate any certified eligible relocatees who have selected and received an approved homesite on the Navajo reservation or selected a replacement residence off the Navajo reservation or on the land acquired pursuant to 25 U.S.C. 640d-10.

INSTITUTE OF AMERICAN INDIAN AND ALASKA  
NATIVE

CULTURE AND ARTS DEVELOPMENT  
PAYMENT TO THE INSTITUTE

For payment to the Institute of American Indian and Alaska Native Culture and Arts Development, as authorized by Public Law 99-498, as amended (20 U.S.C. 56, part A), \$8,187,000, of which not to exceed \$350,000 for Federal matching contributions, to remain available until expended, shall be paid to the Institute endowment fund: *Provided*, That notwithstanding any other provision of law, the annual budget proposal and justification for the Institute shall be submitted to the Congress concurrently with the submission of the President's Budget to the Congress: *Provided further*, That the Institute shall act as its own certifying officer.

SMITHSONIAN INSTITUTION  
SALARIES AND EXPENSES

For necessary expenses of the Smithsonian Institution, as authorized by law, including research in the fields of art, science, and history; development, preservation, and documentation of the National Collections; presentation of public exhibits and performances; collection, preparation, dissemination, and exchange of information and publications; conduct of education, training, and museum assistance programs; maintenance, alteration, operation, lease (for terms not to exceed thirty years), and protection of buildings, facilities, and approaches; not to exceed \$100,000 for services as authorized by 5 U.S.C. 3109; up to 5 replacement passenger vehicles; purchase, rental, repair, and cleaning of uniforms for employees; \$286,269,000, of which

not to exceed \$26,679,000 for the instrumentation program, collections acquisition, Museum Support Center equipment and move, exhibition reinstallation, the National Museum of the American Indian, and the repatriation of skeletal remains program shall remain available until expended and, including such funds as may be necessary to support American overseas research centers and a total of \$125,000 for the Council of American Overseas Research Centers: *Provided*, That funds appropriated herein are available for advance payments to independent contractors performing research services or participating in official Smithsonian presentations.

MUSEUM PROGRAMS AND RELATED RESEARCH  
(SPECIAL FOREIGN CURRENCY PROGRAM)

Funds previously appropriated in this account for the American Institute of Indian Studies Forward Funded Reserve may be invested in India by the United States Embassy in India in interest bearing accounts with the interest to be used along with other funds in the account to support the ongoing programs of the American Institute of Indian Studies.

CONSTRUCTION AND IMPROVEMENTS, NATIONAL  
ZOOLOGICAL PARK

For necessary expenses of planning, construction, remodeling, and equipping of buildings and facilities at the National Zoological Park, by contract or otherwise, \$8,000,000, to remain available until expended.

REPAIR AND RESTORATION OF BUILDINGS

For necessary expenses of repair and restoration of buildings owned or occupied by the Smithsonian Institution, by contract or otherwise, as authorized by section 2 of the Act of August 22, 1949 (63 Stat. 623), including not to exceed \$10,000 for services as authorized by 5 U.S.C. 3109, \$27,710,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or restoration of buildings of the Smithsonian Institution may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

CONSTRUCTION

For necessary expenses for construction, \$20,100,000, to remain available until expended.

NATIONAL GALLERY OF ART  
SALARIES AND EXPENSES

For the upkeep and operations of the National Gallery of Art, the protection and care of the works of art therein, and administrative expenses incident thereto, as authorized by the Act of March 24, 1937 (50 Stat. 51), as amended by the public resolution of April 13, 1939 (Public Resolution 9, Seventy-sixth Congress), including services as authorized by 5 U.S.C. 3109; payment in advance when authorized by the treasurer of the Gallery for membership in library, museum, and art associations or societies whose publications or services are available to members only, or to members at a price lower than to the general public; purchase, repair, and cleaning of uniforms for guards, and uniforms, or allowances therefor, for other employees as authorized by law (5 U.S.C. 5901-5902); purchase or rental of devices and services for protecting buildings and contents thereof, and maintenance, alteration, improvement, and repair of buildings, approaches, and grounds; purchase of one passenger motor vehicle for replacement only; and purchase of services for restoration and

repair of works of art for the National Gallery of Art by contracts made, without advertising, with individuals, firms, or organizations at such rates or prices and under such terms and conditions as the Gallery may deem proper, \$48,236,000, of which not to exceed \$2,870,000 for the special exhibition program shall remain available until expended.

REPAIR, RESTORATION AND RENOVATION OF  
BUILDINGS

For necessary expenses of repair, restoration and renovation of buildings, grounds and facilities owned or occupied by the National Gallery of Art, by contract or otherwise, as authorized \$6,850,000, to remain available until expended: *Provided*, That contracts awarded for environmental systems, protection systems, and exterior repair or renovation of buildings of the National Gallery of Art may be negotiated with selected contractors and awarded on the basis of contractor qualifications as well as price.

WOODROW WILSON INTERNATIONAL CENTER FOR  
SCHOLARS

SALARIES AND EXPENSES

For expenses necessary in carrying out the provisions of the Woodrow Wilson Memorial Act of 1968 (82 Stat. 1356) including hire of passenger vehicles and services as authorized by 5 U.S.C. 3109, \$5,819,000.

NATIONAL FOUNDATION ON THE ARTS AND THE  
HUMANITIES

NATIONAL ENDOWMENT FOR THE ARTS  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and Humanities Act of 1965, as amended, \$147,700,000 shall be available to the National Endowment for the Arts for the support of projects and productions in the arts through assistance to groups and individuals pursuant to section 5(c) of the Act, and for administering the functions of the Act.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$30,500,000, to remain available until September 30, 1993 to the National Endowment for the Arts, of which \$13,000,000 shall be available for purposes of section 5(1): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of section 10(a)(2), subsections 11(a)(2)(A) and 11(a)(3)(A) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

NATIONAL ENDOWMENT FOR THE HUMANITIES  
GRANTS AND ADMINISTRATION

For necessary expenses to carry out the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$153,150,000 shall be available to the National Endowment for the Humanities for support of activities in the humanities, pursuant to section 7(c) of the Act, and for administering the functions of the Act, of which \$8,200,000 for the Office of Preservation shall remain available until September 30, 1993.

MATCHING GRANTS

To carry out the provisions of section 10(a)(2) of the National Foundation on the Arts and the Humanities Act of 1965, as amended, \$25,050,000, to remain available

until September 30, 1993, of which \$12,050,000 shall be available to the National Endowment for the Humanities for the purposes of section 7(h): *Provided*, That this appropriation shall be available for obligation only in such amounts as may be equal to the total amounts of gifts, bequests, and devises of money, and other property accepted by the Chairman or by grantees of the Endowment under the provisions of subsections 11(a)(2)(B) and 11(a)(3)(B) during the current and preceding fiscal years for which equal amounts have not previously been appropriated.

#### INSTITUTE OF MUSEUM SERVICES

##### GRANTS AND ADMINISTRATION

For carrying out title II of the Arts, Humanities, and Cultural Affairs Act of 1976, as amended, \$27,344,000, including not to exceed \$250,000 as authorized by 20 U.S.C. 965(b).

##### ADMINISTRATIVE PROVISIONS

None of the funds appropriated to the National Foundation on the Arts and the Humanities may be used to process any grant or contract documents which do not include the text of 18 U.S.C. 1913: *Provided*, That none of the funds appropriated to the National Foundation on the Arts and the Humanities may be used for official reception and representation expenses.

#### COMMISSION OF FINE ARTS

##### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing a Commission of Fine Arts (40 U.S.C. 104), \$722,000.

#### NATIONAL CAPITAL ARTS AND CULTURAL AFFAIRS

For necessary expenses as authorized by Public Law 99-190 (99 Stat. 1261; 20 U.S.C. 956a), as amended, \$7,000,000.

#### ADVISORY COUNCIL ON HISTORIC PRESERVATION

##### SALARIES AND EXPENSES

For expenses made necessary by the Act establishing an Advisory Council on Historic Preservation, Public Law 89-665, as amended, \$2,623,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

#### NATIONAL CAPITAL PLANNING COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by the National Capital Planning Act of 1952 (40 U.S.C. 71-711), including services as authorized by 5 U.S.C. 3109, \$4,500,000.

#### FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

##### SALARIES AND EXPENSES

For necessary expenses of the Franklin Delano Roosevelt Memorial Commission, established by the Act of August 11, 1955 (69 Stat. 694), as amended by Public Law 92-332 (86 Stat. 401), \$33,000, to remain available until September 30, 1993.

#### PENNSYLVANIA AVENUE DEVELOPMENT CORPORATION

##### SALARIES AND EXPENSES

For necessary expenses, as authorized by section 17(a) of Public Law 92-578, as amended, \$2,807,000, for operating and administrative expenses of the Corporation.

##### PUBLIC DEVELOPMENT

For public development activities and projects in accordance with the development plan as authorized by section 17(b) of Public Law 92-578, as amended, \$4,491,000, to remain available until expended.

#### UNITED STATES HOLOCAUST MEMORIAL COUNCIL

##### HOLOCAUST MEMORIAL COUNCIL

For expenses of the Holocaust Memorial Council, as authorized by Public Law 96-388, as amended, \$10,605,000: *Provided*, That none of these funds shall be available for the compensation of Executive Level V or higher positions.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title II be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title II?

If not, are there any amendments to title II?

##### AMENDMENT OFFERED BY MR. CRANE

Mr. CRANE. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. CRANE: Page 86, strike line 23 through page 87, line 20.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and all amendments thereto be limited to 20 minutes, the proponents to be granted 10 minutes, and 10 minutes to be granted to our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Illinois [Mr. CRANE] will be recognized for 10 minutes, and the gentleman from Illinois [Mr. YATES] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Illinois [Mr. CRANE].

Mr. CRANE. Mr. Chairman, in the classic words of Yogi Berra, this is déjà vu all over again.

My amendment would move to strike all funding for the National Endowment for the Arts. We had a lengthy debate, you will recall, last year on this subject, and most of it focused on trying to provide guidelines to the Chairman of the National Endowment.

My amendment, however, went to the heart of the problem, and that is the propriety of a national government being involved in the arts in the first place. Now, this is not a time-honored tradition. Quite the contrary, the NEA was created at the height of the guns-and-butter era in 1965 when Americans thought that anything was permissible and anything was fundable.

The Founding Fathers raised this question at the Philadelphia Convention in 1787, and on that occasion Charles Pinckney from South Carolina proposed funding by this new national government of arts and the humanities and sciences, and he was overwhelmingly rejected by those gentlemen who crafted that precious document known

as our Constitution, on the grounds that that was not a legitimate function of a national government.

The fact of the matter is that when we get elected the first order of business is for all of us to stand here on this floor and raise our right hand and swear to uphold that Constitution, so help us God, and the fact of the matter is while some may not have read James Madison's notes of the exchanges that took place that hot summer in Philadelphia, as I say, this is an issue readily referenced for anyone in doubt. The Founding Fathers were very explicit, very clear on their view of the Pinckney amendment.

In the intervening years, we pursued that historic constitutional position until the height of the Depression when the New Deal chose to put unemployed artists on welfare rolls and let them engage in the practice of painting and sculpting and what have you in their attics and getting welfare benefits for that. That terminated, however, at World War II.

As I say, it has only been since 1965 that we have embarked on this course.

Some argued during the debate last year, implied, rather, that we would not have funding of the arts if we did not have a precious National Endowment for the Arts. To put that into some perspective, that logical fallacy of either/or, last year \$124 million went to fund the arts through the NEA. During that same year, the private sector anted up \$7.5 billion. It dwarfs into total insignificance that portion that the national government is pouring into this area.

In addition to this, there are questions that were raised in the debate last year about censorship. Does the Congress have the right to censor, in effect, by giving guidelines as to what is proper art versus improper art?

The truth is that whenever you have any Government bureaucracy such as the NEA, inevitably you are going to get censorship.

In fact, one of the points raised by a delegate to the Philadelphia Convention, from Virginia, John Page, is that if you were to have Government funding of the arts, "Congress might," he said, "like many royal benefactors, misplace their munificence and neglect a much greater genius of another." Well, the truth is that last year there were 17,400 requests that were made to the Commission, of which only 4,400 requests were accepted. Who died and gave those people the omniscience who sit on the panel to render those vital judgments as to what is art versus what is not art?

There is, also, another aspect of this debate, and it is one that was brought forth in an article by James Kilpatrick in the Washington Post in April of this year. He, through the Freedom of Information Act, got information about the awards by dance panels. He pointed



out, that Chairman Frohnmayer named eight panels in the field of dance, and they were to look over the various recommendations for funding. One of these panels, panel No. 2, he notes, had six members, and it reviewed requests, and it made grants. It, however, was comprised of members of dance groups. That panel 2 managed to secure in grants over \$1 million from the NEA. Now, to be sure, they did not vote themselves grants. Panel 3 and panel 4 voted the grants for panel 2. Then he reviewed panel 3. They got over a half-million dollars in grants. And where did they get their panels? Not from themselves, of course. It was panel 4, panel 5, and panel 6 that voted the grants for panel No. 3. He concluded:

Have you ever looked at the tangled roots of a mangrove tree? Same thing. Artist A is on panel B that awards a grant to artist C, who serves on panel D. Artist E's panel awards a grant to artist A, and so it goes, so it goes, so it goes.

When you look at the breakdown of where the money went last year, that is also quite interesting, because the State of New York got more money total than the States of California, Texas, Florida, Illinois, Michigan, and Ohio combined. It seems to me that there is some evidence, at least based on the Kilpatrick evidence out of the Freedom of Information Act, coupled with the allocation of the funding, that there is, indeed, a good-old-boy network working within the bureaucracy of the NEA.

I would urge Members, in the interests of, first, upholding that constitutional oath that they took for openers, but, second, recognizing that the freest exchange has always existed in the marketplace, not through Government munificence and bureaucracy, to support my amendment.

Finally, to avoid any possibility, whether it is true or not, that this network does, in fact, exist within the bureaucracy, eliminate that apprehension.

Mr. YATES. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Illinois.

Mr. YATES. Mr. Chairman, I have long ago, when Nancy Hanks was the Administrator of the NEA, looked at the distribution, and I asked Miss Hanks, "Why is New York getting such a preponderant share of the money? Why is not more money going to Illinois? Why is not more money going to California?" She said, "Congressman, that is where the arts companies are."

You know, I look at the bill that we have before us today. California gets one-third of the land acquisition money in the President's budget, one-third. It gets that money because most of the acquisitions are for the resources in California. That is where they are located.

Much as I would like to see more of that money coming to Illinois or to

other States, the money has to follow where the material is.

Mr. CRANE. Reclaiming my time, in response to that, I have heard that argument that we are a cultural, artistic wasteland outside of New York City. In effect, that is the argument that is advanced, and that is why they get roughly 40 percent of the total NEA budget.

I can understand any New Yorker defending his proprietary interest in getting the lion's share of the money appropriated by this body.

Mr. YATES. If the gentleman will yield further, Nancy Hanks was not a New Yorker. She was from North Carolina.

Mr. CRANE. And she is implying that North Carolina is a cultural wasteland, too. That is her prerogative as a North Carolinian. Any Tarheel can view his State any way he wishes.

Mr. YATES. I would correct one point. The cultural wasteland was a phrase of Newt Minow about television.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. In last year's authorization for a 3-year period, we did reform the rules so that the States receive a larger share of the money to accomplish the very objective the gentleman mentioned.

Mr. CRANE. To be sure. I know there was a concern, and I raised it last year during that debate, and there was better distribution. But for all of that, the figures I just gave are for last year's distribution, and the most recent.

Let me mention one other thing about these cultural wastelands. Mark Twain never got a penny of any Government funding. He did not come from that Mecca of art in New York City. Ernest Hemingway came from our great city of Chicago, Mr. Chairman, and he was outside of that Mecca of all cultural and artistic taste. The fact of the matter is that before we ever had Government involvement, some of the greatest artists that will be recognized down through the years of history into the future, some of the greatest not only prospered without a dime of Government involvement, long before the creation of the NEA, but achieved immortality.

□ 1510

Second, they did not come out of New York City.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. CRANE. I yield to the gentleman from Ohio.

Mr. REGULA. Ken Burns, who did one of the great projects with the production of the Civil War tapes received some Federal money from NEH and that was an example of Federal assistance. I do not know how the gentleman feels about the National Endowment

for the Humanities. Would the gentleman keep the funding for that agency?

Mr. CRANE. Any time there is a target-of-opportunity to save the taxpayer a dollar and get Government out of the unwarranted and unconstitutional areas, that would fall into the same category. What the gentleman is suggesting, again, is the either/or argument. That is the logical fallacy, viz if we did not have an NEA or NEH we could not find funding from alternative sources.

I urge Members to support my amendment to strike the NEA funding.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. ATKINS], a member of our committee.

Mr. ATKINS. Mr. Chairman, this amendment strikes and destroys not only the National Endowment for the Arts but indeed America's cultural preeminence in the world.

The arguments made in favor of this amendment are some of the most spurious arguments that we have heard in a long time in this Chamber. Claims that the great problem is that somehow a large portion of the money goes to New York City, well, of course, the money goes to New York City, and throughout the modern history of this country, artists have congregated in New York City from all over the country. People like Tom Wolfe, coming from North Carolina, going to New York City because that is where the publishing center is; dance companies and so forth. Willie Sutton, when asked, "why do you rob banks?" said, "Because that is where the money is." Why does art funding go to New York? Because that is where the artists are.

It comes back to the rest of America. The funds that go to institutions in New York are going back to all parts of this country in tours as they go around the country.

Then the gentleman claims that somehow on the panels for the NEA that there is some kind of distortion, the potential that there could be the good old boy network. Indeed, those panels are clearly balanced so there are both men and women on the panels. The panels really are above reproach. It has been clear that those panels have supported, just by the results of the things that have come through the NEA, the finest creative geniuses in the country.

This NEA amendment would absolutely destroy what we have built, and the reforms which have been made which have really made art the No. 2 export for this country, and the greatest success story in our exports, a major part of our economy, a major part of our educational system.

Mr. YATES. Mr. Chairman, I yield 20 minutes to the distinguished gentleman from New York [Mr. WEISS].

Mr. WEISS. Mr. Chairman, I rise in strong opposition to the amendment

offered by Representative CRANE. This amendment seeks to end Federal funding for art and culture in America by abolishing the National Endowment for the Arts [NEA]. Eliminating the NEA would deprive millions of Americans, rich and poor, urban and rural, of the many artistic and cultural programs that this agency makes possible.

Our constituents recognize the merits of Government subsidy for the arts. In a 1990 nationwide poll, 68 percent of the American public stated their strong support for Government funding of arts. These people want the NEA to continue to preserve the cultural heritage of the United States, make the arts accessible to millions who might otherwise not enjoy them, and foster creativity in our society. Our constituents are willing to spend a mere 69 cents a year to reap them benefits—and more.

Remarkably, three out of the four of last year's Tony nominees in the best play category, including the winner, were developed at NEA-funded nonprofit theaters. So were the last 13 Pulitzer prize-winning plays.

Mr. CRANE has argued that "the NEA is not the cornerstone of American art." I agree that it is not the only cornerstone, but it is certainly one of the important cornerstones of American art.

When the National Endowment of the Arts was founded in 1965, there were 100 local arts agencies; now there are over 2,000. In 1965 there was 1 full-time professional chorus in the country, 60 professional orchestras, 37 professional dance companies, and 56 nonprofit professional theaters. Now, there are at least 57 professional choruses, 210 orchestras, 250 dance companies, and 400 theaters eligible for endowment support. The audience for all of these activities has grown exponentially.

While Federal support through the NEA is not the principal source of funding for the arts, they are important and catalytic funds. Funds given by the endowment generate sizable donations from private sources.

According to the New York Times, \$119 million in grants made by the NEA in 1988 encouraged citizens corporate and individual, to contribute \$1.3 billion more.

Although members of the private sector do contribute their funds, we cannot leave it to them alone to support art and culture in America. The Government, through the NEA, supports projects that would not get the attention they deserve without public money. For instance, the NEA funds hundreds of educational projects and projects that increase the access to art for inner-city and rural areas. The private sector might not do this.

Abolishing the NEA would eliminate national coordination of arts funding. From its broad national perspective the Endowment can coordinate Government funding with the development of

artistic programs and projects, and the growth of institutions throughout the country.

Abolishing the NEA would not save us much money either. Its 1991 appropriation is the paltry sum of \$180 million. Total Federal spending on culture this year comprises just one five-hundredths of the \$1.57 trillion budget.

We have an agency that has successfully subsidized the arts in our country for the last 25 years. I strongly urge you to defeat the Crane amendment and support H.R. 4825 unamended. Let's not let one or two controversial grants define our national attitude toward art, culture, and progress.

Mr. CRANE is incorrect in suggesting, as he has in urging support for this amendment, that Government funding of art guarantees censorship because some artists are funded and others are not. The Federal Government has a limited amount of money for grants and cannot fund every person or agency that applies for a grant. Choices must be made in arts funding as they must in funding science and technology research.

Funding choices in the NEA are particularly democratic. The NEA has and continues to base funding decisions on artistic excellence as determined by highly diverse and experienced peer panels, the Presidentially appointed National Council on the Arts, and the NEA Chairman. Every NEA panel now also includes educated laypeople, and the NEA has implemented many other procedures as a result of last year's reauthorization to further ensure fairness.

Finally, Mr. CRANE has asserted that, and I quote, "History argues against Federal funding of the arts." Certainly, world history belies this statement. Every advanced and civilized nation has supported and nurtured its artists. Throughout American history there has been an evolution of Federal support for the arts and humanities. President John Adams wrote:

I must engage in war in order that my sons may engage in commerce, industry, agriculture and science; in order that their children might engage in painting, ceramics, porcelain, tapestry \* \* \* and the arts.

In 1891, the first National Conservatory of Music was established. Congress first proposed a National Office of the Arts in 1897, and, in 1910, President Taft established the National Fine Arts Commission with a peer panel to "advise generally upon questions of art when required to do so by the President, or by Congress."

Since then, every Presidential administration has offered support for arts programs, from President Franklin Delano Roosevelt's WPA programs to President Eisenhower's advocacy of a Federal Advisory Commission on the Arts, from President Kennedy's proposal for a Federal Advisory Council on the Arts to President Johnson's work

in creating the current Federal arts agencies.

We have now evolved to having a National Endowment for the Arts which has changed the cultural landscape of the United States, which has supported groups and individuals in every corner of the Nation and which has supported programs from arts education to design arts to folk arts.

The NEA has been one of our Nation's outstanding successes. It deserves not only the present level of support as contained in the Interior appropriations bill, but greater support in the future so that it can continue its work touching the lives of all of our citizens.

Mr. YATES. Mr. Chairman, I yield 1 minute to the gentleman from Oregon [Mr. AUCCOIN], a distinguished member of our committee.

Mr. AUCCOIN. Mr. Chairman, I urge the Members to defeat the Crane amendment.

I am strongly opposed to this amendment. It kills the National Endowment for the Arts. If anyone really pays attention to what is happening in America in terms of access to the arts, not in the elite centers of New York City, or Chicago, or Los Angeles, but in small towns, throughout Oregon and throughout each of our States, they will find that it is because of the leveraging that a grant from the NEA has done that makes that possible.

I am really amazed at the argument that the private sector can do this. We have gone through hearings, hour after hour after hour of hearings, which I doubt that the gentleman from Chicago who offers this amendment has done, and we have found from corporate gift managers, testimony that they make additional contributions when they see the NEA moving in and giving encouragement by their own grants. The corporate community will tell Members that this is a way to leverage private sector funds. It should not be in lieu of public sector funds.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I would just like to point out that I think that the argument made by the gentleman from Illinois is important. That is, that the bulk of funding for the arts in this country comes from the private sector.

We have had many witnesses that have come before our committee that say, "Why do we not do like England or Germany or France, and have 100-percent Government support for the arts?" They point out to Members that we spend vastly less per capita than those countries. I have responded that if we take into account the tax credits that people receive for making private donations, if we take into account the effort at the State and local communities, we do spend as much, if not more, per capita.



However, the important thing is that we have approached it by saying the Federal Government's contribution should be very modest, that the vast majority of support should come from the private sector. The point that was made by the gentleman from Illinois, and I think it is good, and I agree with him also, that there is historically some maldistribution, and in last year's authorizing bill, the gentleman from Montana [Mr. WILLIAMS] and the gentleman from Missouri [Mr. COLEMAN] tried to redress that problem by giving larger amounts to the States, and in turn, getting responsibility back into the local communities.

There are more than artists that are funded. There are ensembles that go to schools, that work with schoolchildren. That has happened in the 16th District.

A lot of very worthwhile projects are stimulated by small amounts of Federal money. This results in a large amount of local support, not only money but voluntarism. Most of the communities in America have large organizations of volunteers that support the symphonies, the ballets, and many other activities that add to the quality of life in the United States. Much of it is triggered by the NEA's modest funding.

Mr. DICKS. Mr. Chairman, will the gentleman yield?

Mr. REGULA. I yield to the gentleman from Washington.

Mr. DICKS. Mr. Chairman, I just want to compliment the gentleman for his statement. I think we ought to remember the history here.

The CHAIRMAN. The time of the gentleman is expired.

Mr. YATES. Mr. Chairman, I will be yielding 2 minutes to the gentleman from Missouri [Mr. COLEMAN]; perhaps the gentleman from Missouri [Mr. COLEMAN] will yield 10 seconds to the gentleman from Washington [Mr. DICKS] so he may finish his statement.

Mr. COLEMAN of Missouri. I yield to the gentleman from Washington.

□ 1520

Mr. DICKS. Mr. Chairman, I just would say that I rise in strong support of the Endowment. The Endowment has triggered vast amounts of private donations to the arts all over this country.

I think the Crane amendment would be a tragic mistake, and I would urge my colleagues to vote against it.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Missouri [Mr. COLEMAN].

Mr. COLEMAN of Missouri. Mr. Chairman, I rise in opposition to the Crane amendment. We have gone through this before. Last year, when the NEA was under severe attack, there was a similar amendment and the House rejected it out of hand, but I think it is important to look back and see what reforms we did place on this Endowment.

Last fall, Congress approved the Arts, Humanities and Museum Amendments of 1990, which reauthorized the National Endowment for the Arts for 3 years. As ranking Republican on the Subcommittee on Postsecondary Education—the subcommittee with authorizing jurisdiction over this agency—I was deeply involved in the development and passage of this legislation.

Our aim in enacting this legislation was to bring greater accountability to the way that the Endowment functions, to broaden the availability of the arts in all parts of the country, and to ensure that the Endowment would be fully accountable to the American taxpayer.

The 3-year reauthorization was adopted in the House on a vote of 349-76. The bill included several significant changes to the Endowment's authorizing statute. Principal among them are provisions which:

Modify the Endowment's grantmaking procedures;

Increase the amount of Endowment funds that are allocated directly to State arts agencies and create a new program for States to assist arts organizations in rural, inner-city, and other communities that are underserved artistically; and

Earmark 50 percent of appropriated funds in excess of \$175 million to the Endowment's arts education activities.

I am most satisfied by the progress that the NEA and its Chairman, John Frohnmayer, have made in implementing this new legislation. In the last 9 months, the Endowment has taken seriously the Congress' mandate that its grantmaking process be reformed. This is evidenced by the Endowment's implementation of:

New conflict of interest standards;

Limits on the number of times any one person can serve on an NEA panel;

Naming a lay person to every NEA panel; and

Greater diversity on grant advisory panels. This has been accomplished through: First, balanced geographic representation from each geographic region of the country.

Second, increased ethnic and minority representation. As of May 1, 1991, NEA reported that for fiscal year 1991 it projected that total minority representation on its advisory panels would be over 33 percent.

Third, inclusion of diverse points of view. The NEA appears to be casting a broad net to allow for greater diversity in points of view on its advisory panels. I, along with all other Members of Congress, received a letter from the NEA in January of this year soliciting names of potential panelists. The Endowment also published a similar solicitation in the Federal Register in March.

It should be noted that in 1990, 780 panelists served on Endowment panels; under the new legislation, approxi-

mately 1,200 panelists will serve in fiscal year 1991, an increase of 54 percent. In fiscal year 1990, there were 116 panel meetings; 143 such meetings are projected for 1991. I believe that the use of more panelists and panel meetings will have the effect of enhancing and broadening the work of the Endowment, including:

Standard procedures for all panel reviews;

Increased use of site visits to review the work of applicant organizations;

Requiring all applicants to submit detailed project descriptions;

Use of interim reports for all seasonal support grants; and

Withholding one-third of the grant award until the submission and approval of the interim report.

H.R. 2686 recognizes the burden of these increased administrative requirements by appropriating a modest increase over the fiscal year 1991 level for NEA's administrative budget.

Consistent with the legislation, the Endowment has acted quickly to place a greater emphasis on their arts education programming. H.R. 2686 supports the objective by increasing the amount of money spent on arts education by appropriating \$7.6 million for this program, a \$1.6 million increase for the Endowment's Arts in Education Program in fiscal year 1992.

Also, as mandated by the legislation, the Endowment developed a new State Arts Agency Program, Grants to Underserved Areas, to provide support to rural, inner-city, and other underserved areas to enable greater access to the arts. I am pleased that H.R. 2686 makes over \$6.2 million available for this important program in fiscal year 1992.

I congratulate my colleagues, Chairman YATES and the ranking member, the gentleman from Ohio [Mr. REGULA], for the fine work they have done on this bill.

Mr. YATES. Mr. Chairman, I yield 30 seconds to the gentleman from Montana [Mr. WILLIAMS].

Mr. WILLIAMS. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, this issue was considered last year and the House turned it down then by a vote of 361 against and only 64 in favor. I urge my colleagues to do so again, remembering that the National Endowment for the Arts has contributed greatly to the creative genius of Americans. Let us continue that contribution.

Mr. YATES. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, I thank the gentleman for his excellent statement.

Mr. Chairman, this is the annual attempt by Members who do not agree with the purposes of the NEA to kill the NEA. Last year it was the gentleman from California [Mr. ROHRBACHER]. This year it is the gentleman from Illinois [Mr. CRANE].

Last year the House overwhelmingly rejected the effort of the gentleman from California [Mr. ROHRBACHER] and I trust that the House this year will overwhelmingly reject the effort by the gentleman from Illinois [Mr. CRANE].

Mr. Chairman, I yield back the balance of my time.

Mrs. LLOYD. Mr. Chairman, I rise in opposition to the Crane amendment to strike the bill's appropriations for the National Endowment for the Arts [NEA].

During the 101st Congress protracted discussion occurred over the reauthorization of funding for the NEA because of objections which were raised over certain projects partially funded by the NEA. I shared the concerns expressed by many of my constituents who did not want tax dollars used for offensive projects and I voted for language to make the NEA more representative and accountable to the taxpayer for their grant selections.

During the course of this debate I supported language to prohibit the NEA from funding child pornography, obscenity or material which is prohibited from being broadcast under the FCC definition of indecency. I also voted for language which makes it clear that the NEA may not fund obscene art, specifying that obscenity is without artistic merit and is not protected speech. This language recognizes the concerns of many Americans who do not want their tax dollars used for offensive projects.

Because the NEA also funds projects which greatly enhance the cultural activities of our Nation, I feel it is important to bring some of the projects funded by the NEA in my area to the attention of my colleagues. For example, to support writers' fees to bring eight writers to Chattanooga, the NEA awarded the University of Tennessee-Chattanooga a literature grant of \$4,000. In collaboration with three local writers groups—the artists and writers guild—and two local high schools—Notre Dame and Hixson High School, the University will send writers to read and lecture to a variety of audiences in the community. Over 500 people are expected to attend each part of the series.

A list of some of the worthy projects follows: Without doubt, our Nation would be poorer without the vast array of music, dance, theater, visual and media arts, literature, design, folk art, museum activities, research studies, and classes that have been nurtured by the NEA. Funding for the NEA will allow organizations like the Chattanooga Symphony, the Chattanooga Ballet and the Hunter Museum of Art to continue their work. I urge my colleagues to oppose the Crane amendment.

#### ALLIED ARTS OF GREATER CHATTANOOGA; ARTS BUILD COMMUNITIES GRANTEES, FISCAL YEAR 1990-91

Organization	Project	Number served
Arts & Education Council	Conference on Southern literature.	1,500
Do	Tivoli Theatre for Young Audiences.	12,000
Association for Visual Artists	Artists in residency	12,000
Ballet Tennessee	Summer workshop	200
Bessie Smith Hall	Citywide Gospel music workshop.	500
Do	Blues artistry series	10,000
Chattanooga Downtown Alliance	Art Stravaganza	10,000
Chattanooga Public Schools	Artists residency	1,800
Chattanooga Symphony & Science	Enhancing artistic vision	1,500
Chattanooga Symphony & Opera Assoc.	Operas tell stories	6,640

#### ALLIED ARTS OF GREATER CHATTANOOGA; ARTS BUILD COMMUNITIES GRANTEES, FISCAL YEAR 1990-91—Continued

Organization	Project	Number served
Do	Youth Orchestra	7,000
East Tennessee Foundation	Wolftrap project	1,994
Fellowship of Southern Writers	Fellowship of Southern writers.	1,500
Girls Club of Chattanooga	Improvisational music	1,000
Hamilton County Nursing Home	Life enrichment thru the arts	800
Houston Museum of Decorative Arts	Web of Life	3,500
Hunter Museum of Art	Educational video	60,000
Jewish Community Center	Chatt-Israel cultural connection.	750
Little Theatre	Guest artist program	24,500
Miller Plaza	Cajun series	7,500
PACE, Inc.	Performing arts festival	4,000
Senior Neighbors of Chattanooga	Ripe & Ready Players	4,000
Do	Visual arts access	700
Shaking Ray Levi Society	Emerging artists series	1,475
University of Tennessee at Chattanooga	Cadek Conservatory fall celebration.	250
UTC	Dorothy Patten fine arts series.	5,000
UTC	Meacham writers' workshop	800
UTC	Theatre in the schools	1,800
Association Visual Artists	Artists in residence	12,000
Ballet Tennessee	N.Y. ballet stars dance with Ballet TN.	6,200
Bessie Smith Hall	Traditional blues mammas	3,500
Chattanooga African-American Museum	The African-American image in America.	2,500
Do	New world Africans	3,000
Chattanooga Ballet	Children's Co. repertory support.	1,240
Chattanooga Girls Choir	Centile Singers	2,000
Chattanooga Symphony & Opera Assoc.	Mozart celebration concert	1,200
Do	Family concert	1,700
Choral Arts Society	Pops concert	300
Dance-Theatre Workshop	Performing arts seminar	3,000
Friends of the Festival	Expansion of entertainment for Bessie Smith Strut.	60,000
Hamilton County Parks & Recreation D.	Riverpark Memorial Day weekend concert.	25,000
Hunter Museum of Art	Civil War exhibit	800
The Little Theatre of Chattanooga	Summer drama day camp	1,200
Mary Walker Historical & Educational Foundation	Dr. Martin Luther King and the Southern Christian Leadership Conference.	15,000
Miller Plaza	New projects	10,000
Shaking Ray Levi	Womens works in modern dance.	225
SE Center Education In Arts	Forum for improving arts education for students with disabilities.	3,385
Senior Neighbors of Chattanooga	Ripe & Ready Players	3,000
WSMC-FM 905	Chattanooga Symphony broadcasts.	15,000
WTCL-TV 45	Chattanooga and its music	600,000
Total number served		952,969

The CHAIRMAN. The question is on the amendment offered by the gentleman from Illinois [Mr. CRANE].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. CRANE. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 66, noes 361, not voting 5, as follows:

[Roll No. 192]

#### AYES—66

Archer	Cox (CA)	Hancock
Armey	Crane	Hansen
Baker	Dannemeyer	Hayes (LA)
Barton	DeLay	Hefley
Bennett	Doolittle	Henger
Bilirakis	Dornan (CA)	Holloway
Boehner	Dreier	Hunter
Bunning	Duncan	Hutto
Burton	Fields	Hyde
Callahan	Gekas	Inhofe
Campbell (CA)	Gingrich	James
Condit	Hall (TX)	Johnson (TX)

Kyl  
Laughlin  
Lightfoot  
Livingston  
Luken  
Marlenee  
McCandless  
McEwen  
Miller (OH)  
Moorhead

Nichols  
Packard  
Parker  
Petri  
Quillen  
Rohrabacher  
Roth  
Sarpallus  
Sensenbrenner  
Shuster

Slaughter (VA)  
Smith (TX)  
Solomon  
Stearns  
Stenholm  
Stump  
Tanner  
Taylor (MS)  
Vucanovich  
Walker

#### NOES—361

Abercrombie  
Ackerman  
Alexander  
Allard  
Anderson  
Andrews (ME)  
Andrews (NJ)  
Andrews (TX)  
Annunzio  
Anthony  
Applegate  
Aspin  
Atkins  
AuCoin  
Bacchus  
Ballenger  
Barnard  
Barrett  
Bateman  
Bellenson  
Bentley  
Bereuter  
Berman  
Bevill  
Bilbray  
Bliley  
Boehert  
Bonior  
Borski  
Boucher  
Boxer  
Brewster  
Brooks  
Broomfield  
Browder  
Brown  
Bruce  
Bryant  
Bustamante  
Byron  
Camp  
Campbell (CO)  
Cardin  
Carper  
Carr  
Chandler  
Chapman  
Clay  
Clement  
Clinger  
Coble  
Coleman (MO)  
Coleman (TX)  
Collins (IL)  
Collins (MI)  
Combest  
Conyers  
Cooper  
Costello  
Coughlin  
Cox (IL)  
Coyne  
Cramer  
Cunningham  
Darden  
Davis  
de la Garza  
DeFazio  
DeLauro  
Dellums  
Derrick  
Dickinson  
Dicks  
Dingell  
Dixon  
Donnelly  
Dooley  
Dorgan (ND)  
Downey  
Durbin  
Dwyer  
Dymally  
Early

Eckart  
Edwards (CA)  
Edwards (OK)  
Edwards (TX)  
Emerson  
Engel  
English  
Erdreich  
Espy  
Evans  
Fascell  
Fawell  
Fazio  
Feighan  
Fish  
Flake  
Foglietta  
Ford (MI)  
Ford (TN)  
Frank (MA)  
Franks (CT)  
Frost  
Gallagher  
Gallo  
Gaydos  
Gejdenson  
Gephardt  
Geren  
Gibbons  
Gilchrest  
Gillmor  
Gillman  
Glickman  
Gonzalez  
Goodling  
Gordon  
Goss  
Gradison  
Grandy  
Gray  
Green  
Guarini  
Gunderson  
Hall (OH)  
Hamilton  
Hammerschmidt  
Harris  
Hastert  
Hatcher  
Hayes (IL)  
Hefner  
Henry  
Hertel  
Hoagland  
Hobson  
Hochbrueckner  
Hopkins  
Horn  
Horton  
Houghton  
Hoyer  
Hubbard  
Huckaby  
Hughes  
Ireland  
Jacobs  
Jefferson  
Jenkins  
Johnson (CT)  
Johnson (SD)  
Johnston  
Jones (GA)  
Jones (NC)  
Jontz  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Kleczka  
Klug  
Kolbe

Kolter  
Kopetski  
Kostmayer  
LaFalce  
Lagomarsino  
Lancaster  
Lantos  
LaRocco  
Leach  
Lehman (CA)  
Lehman (FL)  
Lent  
Levin (MI)  
Lewis (CA)  
Lewis (FL)  
Lewis (GA)  
Lipinski  
Lloyd  
Long  
Lowery (CA)  
Lowery (NY)  
Machtley  
Manton  
Markey  
Martin  
Martinez  
Mavroules  
Mazoli  
McCloskey  
McCollum  
McCrery  
McCurdy  
McDade  
McDermott  
McGrath  
McHugh  
McMillan (NC)  
McMillan (MD)  
McNulty  
Meyers  
Mfume  
Michel  
Miller (CA)  
Miller (WA)  
Mineta  
Mink  
Moakley  
Molinar  
Mollohan  
Montgomery  
Moody  
Moran  
Morella  
Morrison  
Mrázek  
Murphy  
Murtha  
Myers  
Nagle  
Natcher  
Neal (MA)  
Neal (NC)  
Nowak  
Nussle  
Oakar  
Oberstar  
Obey  
Olin  
Oliver  
Ortiz  
Owens (NY)  
Oxley  
Pallone  
Panetta  
Patterson  
Paxon  
Payne (NJ)  
Payne (VA)  
Pease  
Pelosi  
Penny  
Perkins  
Peterson (FL)



Peterson (MN)	Scheuer	Thomas (WY)
Pickett	Schiff	Thornton
Pickle	Schroeder	Torres
Porter	Schulze	Torricelli
Poshard	Schumer	Towns
Price	Serrano	Trafiacant
Pursell	Sharp	Traxler
Rahall	Shaw	Unsoeld
Ramstad	Shays	Upton
Rangel	Sikorski	Valentine
Ravenel	Sisisky	Vander Jagt
Ray	Skaggs	Vento
Reed	Skeen	Visclosky
Regula	Skelton	Volkmer
Richardson	Slattery	Walsh
Ridge	Slaughter (NY)	Washington
Riggs	Smith (FL)	Waters
Rinaldo	Smith (IA)	Waxman
Ritter	Smith (NJ)	Weber
Roberts	Smith (OR)	Weiss
Roe	Snowe	Weldon
Roemer	Solarz	Wheat
Rogers	Spence	Whitten
Ros-Lehtinen	Spratt	Williams
Rose	Staggers	Wilson
Rostenkowski	Stallings	Wise
Roukema	Stark	Wolf
Rowland	Stokes	Wolpe
Roybal	Studds	Wyden
Russo	Sundquist	Wyllie
Sabo	Swett	Yates
Sanders	Swift	Yatron
Sangmeister	Synar	Young (AK)
Santor	Tallon	Young (FL)
Savage	Tauzin	Zelliff
Sawyer	Taylor (NC)	Zimmer
Saxton	Thomas (CA)	
Schaefer	Thomas (GA)	

## NOT VOTING—5

Levine (CA)	Orton	Rhodes
Matsui	Owens (UT)	

## □ 1546

Messrs. ALEXANDER, DAVIS, CUNNINGHAM, and YOUNG of Alaska changed their vote from "aye" to "no."

Mr. HANSEN and Mr. HALL of Texas changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

## AMENDMENT OFFERED BY MR. GLICKMAN

Mr. GLICKMAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. GLICKMAN: Page 90, strike lines 7 through 13.

Mr. GLICKMAN. Mr. Chairman, I raised this issue about 10 years ago in an amendment on the floor, and I lost, and at that time I was told that the Franklin D. Roosevelt Memorial would be built soon and there would be no reason for this Commission to keep in existence for a long period of time.

Mr. Chairman, the purpose of the amendment is to strike \$33,000 in the bill for the Franklin D. Roosevelt Memorial Commission.

Now my colleagues might ask why I would take out this time to strike a, quote, mere \$33,000. I raised this issue about 10 years ago on an amendment on the House floor. I recall it to this day because I lost on a voice vote, and, when it came to a rollcall vote, I think the gentleman from California [Mr. DANNEMEYER] called for it, and the machines broke down, and we took an hour to vote on this thing, and somebody said, "The ghost of FDR was on your back, Mr. GLICKMAN."

However, Mr. Speaker, I want to raise this again because in my judg-

ment this is an example of what happens when we appoint these commissions and they last forever and ever.

## □ 1550

In the late 1950's Congress created a Franklin D. Roosevelt Commission to study and implement the creation of a memorial to this great man, a great leader, one of the greatest Presidents in history. That Commission has been in existence for nearly 37 years. We have spent nearly three-quarters of a million dollars on it. The fact is that the Commission was authorized in 1955 to formulate a plan for the site and for construction of the FDR memorial. Here we are in 1991, 36 years later, approximately \$800,000 later, for a commission, and finally a memorial is being built. But for the past 36 years Congress has funded this Commission.

Now, do we need a memorial to FDR? There is a memorial in this bill. There is \$6 million authorized and appropriated for FDR, so I am not talking about that particular issue. The question is that this advisory Commission pays a part-time employee who was appointed by the chairmen, two of our colleagues from the other body, Senators INOUE and HATFIELD, whose job it is to keep the correspondence going between the chairmen and the designers of the memorial. The National Park Service and the staff of the chairmen's office, the two Senators I mentioned, could easily provide the administrative support for the logistics of this memorial.

For the past 36 years Congress has funded close to \$1 million for this advisory Commission. Again I say to my colleagues, that is an example of how these things run awry. It starts out very small. For the past 36 years the Congress has funded close to \$1 million for an advisory Commission. This Commission has an office in House Annex No. 2, which is almost always locked. I have checked it myself. The door is rarely open. It basically serves as a storage place for the records of the memorial. That is quite a lot of money for rental space. It may not sound like a great deal of money here in Washington, but back in Kansas that \$33,000 in this appropriation, plus the hundreds of thousands we have appropriated before, strikes me as an awful lot of money.

My point is that here is an example for a little bit of money that gets into an appropriation bill that just keeps on going forever and ever and ever, and nobody ever stops it. Again, this is not to cut the funds for the memorial. It is going to be built. My point is that the Park Service can do it. We do not need an advisory commission to do it any longer.

Mr. Chairman, that is the reason for my offering the amendment to strike the \$33,000.

Mr. GREEN of New York. Mr. Chairman, I move to strike the last word.

Mr. Chairman, I rise as one of the House members of the Franklin Roosevelt Memorial Commission, and first I should like to correct the gentleman from Kansas. This is not an advisory commission. It is a commission which has the responsibility for seeing that the memorial is built and completed. It is only because of the work of the Commission that that memorial is now about to go into construction.

I went with the late distinguished chairman of the Commission, Claude Pepper, to OMB in late 1988, and it was only because of our pleas that President Reagan included the first construction money for the monument in the budget request that he sent to Congress in January 1989 for fiscal year 1990. The Subcommittee on the Interior of the Appropriations Committee approved the funding and continues to approve the funding for the memorial, and that is occurring under the supervision of this Commission.

In addition, because there was a recent action on the part of the National Arts Commission which in essence required some scaling back of the design for the Commission quite recently, the Commission has to approve new working drawings. In addition to that, there is the question of final approval of the statuary which will go in the memorial, and, in addition to that, the Commission still has to select the quotations which will go on the wall of the memorial. In addition to that, the Commission is seeking nongovernment funds for the groundbreaking ceremony, which will take place on September 16.

Those of us who are on the Commission, as the gentleman has pointed out, do have a part-time employee helping us with this. We procure stationery so we can send communications. Sometimes we convene meetings, and we pay those members of the Commission who are not in Washington travel expenses to attend Commission meetings. In short, for a very small amount of money, a total of \$33,000, the Commission is performing its duty to see through the final details of the design of the memorial and to supervise its construction.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. GREEN of New York. I am happy to yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I heard the same story 10 years ago, and I guess my point is that it has been 36 years times the amount paid out every year. Is my colleague telling me that this Commission will end this year?

Mr. GREEN of New York. I will not tell the gentleman that it will end this year, but my hope is that the memorial will be completed in a few years and the Commission can then go out of business.

At the time the gentleman first initiated his effort to disband the Commis-

sion, there was in fact a project that was dead in the water and the gentleman at that time was certainly within his rights to suggest that perhaps we ought to give up on having a Franklin Roosevelt Memorial and to have disbanded the Commission. But since then we have moved through the authorization of the appropriation of funding for the construction, we have moved through the Presidential request for funding for construction at the urging of the Commission, and we are now about to start construction and putting the final details on the plans. So, since the gentleman initially questioned the Commission's funding, it seems to me the Commission has sprung to life. Whether it is because of his prodding or otherwise, I do not know.

Mr. GLICKMAN. I appreciate the honor.

Mr. GREEN of New York. But we are now in a very active phase of our life.

Mr. GLICKMAN. Mr. Chairman, will my colleague yield further?

Mr. GREEN of New York. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, does my colleague believe that without the Commission this memorial can still be built, that the Park Service can continue to supervise and build this memorial?

Mr. GREEN of New York. Mr. Chairman, at present this Commission is charged with completing the final details of the statues, the plans, and the quotations that are to come within the memorial. If the gentleman wants to offer new authorizing legislation to give that responsibility to the National Park Service, I suppose that would be another way to proceed. But that is not the legislation that authorizes the appropriation for the construction at the present time, and the Commission is simply proceeding on a very modest scale, \$33,000 per year, to do what it is charged with doing under the authorizing legislation. I hope, after all this time, now that the memorial is about to go into construction and the funds are there, thanks to the leadership of the gentleman from Illinois [Mr. YATES], the chairman of the Subcommittee on the Interior of the Appropriations Committee, that the gentleman from Kansas would not insist on throwing a monkey wrench into the works and grinding this whole effort to a halt by abolishing this Commission.

Mr. FISH. Mr. Chairman, will the gentleman yield?

Mr. GREEN of New York. I yield to the gentleman from New York.

Mr. FISH. Mr. Chairman, I would like to add my support to everything that the gentleman from New York [Mr. GREEN] has said.

The CHAIRMAN. The time of the gentleman from New York [Mr. GREEN] has expired.

Mr. YATES. Mr. Chairman, I move to strike the requisite number of words,

and I yield to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I thank the gentleman for yielding.

Mr. Chairman, I would simply like to say that I wish to add my support to everything that my colleague, the gentleman from New York [Mr. GREEN] has said. To the gentleman from Kansas I would say that I think I have done my penance in serving for two-thirds of the number of years the Commission has been in existence. I would also say that perhaps his criticism may have been very valid 10 years ago, or maybe even more recently than that.

□ 1600

But we now have a groundbreaking scheduled. We have gone well into completing our role in this capacity.

One of the things we have yet to approve are the actual quotations from President Roosevelt that appear as part of the memorial. We look forward to this movement in September. I cannot tell you whether we will be out of business in a year or two, but we do want to see this matter completed. But we are well along, and I think it would be the worst of all choices, to stop now.

Mr. GLICKMAN. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Kansas.

Mr. GLICKMAN. Mr. Chairman, I am not going to call for a rollcall vote on this, because the vote will probably cost more than the amount I am trying to cut out. But I would say this: This is another example of how things get into the law and just stay forever, and, if nothing else, that what I have tried to show, and I know a lot of Members on both sides of the aisle have tried to show, is that some things are useful, and some things are not. But this was a kind of thing that just perpetuated itself, took on a life of its own, and I just hope we can avoid these kinds of examples in the future.

Mr. Chairman, I will not ask for a rollcall vote.

Mr. YATES. Mr. Chairman, reclaiming my time, I would hope the gentleman from Kansas [Mr. GLICKMAN] would withdraw his amendment. I can agree with the gentleman, that for many years the Commission was in existence and nothing was done. Now something is actually being done. There is work, not only for the Park Service, but there is work for the Commission as well. The Commission has the task of supervising the selection of the sculptors, for example, and the sculptures that are a part of the memorial. It has the task of doing a number of things as construction proceeds.

Mr. Chairman, I agree with the gentleman from Georgia [Mr. RAY], who is a member of the Commission, and the gentleman from New York [Mr. FISH], who is also a member of the Commission, and the gentleman from New

York [Mr. GREEN], who is the secretary of the Commission. This is really a memorial not only to FDR, but to Claude Pepper as well, because it was his initiative and his aggressiveness that finally began to take hold and made this memorial possible.

Mr. RAY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Georgia.

Mr. RAY. Mr. Chairman, I rise in opposition to the amendment by the gentleman from Kansas. After 50 years of stalemate, the FDR Memorial is beginning to move. Now is not the time to eliminate funding for the Franklin Delano Roosevelt Memorial Commission.

The Commission has a great deal of important work to do over the next year. The distinguished chairman of the subcommittee, Mr. YATES, has been a careful steward of the taxpayer's money with regard to the Memorial Commission. The Commission has not received an increase in several years. The modest increase of \$5,000 brings total spending for the Commission to \$33,000. In my opinion, the Commission is a bargain at that price.

FDR died on April 12, 1945, at the Little White House in Warm Springs, GA. Since that time, Congress has agonized and delayed over the type of memorial that would pay proper tribute to this outstanding American. In this regard the Commission has done considerable work over the years. The Commission has organized the groundbreaking ceremony for the memorial, architectural plans appear to be completed, and construction work will soon begin.

The Commission has served to bring the skills and creative efforts of various individuals together to construct a monument which will be a fitting tribute to this great American. I will remind my colleagues that in all of Washington, DC, there is only one, small 4 foot by 8 foot marble marker on Pennsylvania Avenue which commemorates or gives any indication that this great American, with the stature of men such as Washington, Jefferson, or Lincoln, even existed.

Mr. Chairman, for almost 50 years Claude Pepper sat on this Commission and was its chairman until his death on May 30, 1989. As you may recall, Claude Pepper was the driving force behind the Commission. In continuation of his work, the Commission has plans to solicit private contributions to offset the cost once construction begins. However, operating money is necessary for fundraising to continue. Congressman GLICKMAN's amendment would prevent the important work of the Commission from proceeding, and further delay the project.

Despite my high regard for my good friend from Kansas, I must recommend that my colleagues vote down this amendment.



The CHAIRMAN. The time of the gentleman from Illinois [Mr. YATES] has expired.

(By unanimous consent, Mr. YATES was allowed to proceed for 2 additional minutes.)

Mr. HENRY. Mr. Chairman, will the gentleman yield?

Mr. YATES. I yield to the gentleman from Michigan.

Mr. HENRY. Mr. Chairman, I thank the gentleman from Illinois for yielding.

Mr. Chairman, let me just point out that I want to express appreciation for the amendment at least having been introduced, for helping us understand that sometimes in the Government the right hand does not know what the left hand is doing.

I have no objection to this monument. Obviously the late President was one of the formative Chief Executives in the history of this Nation and ought to be recognized appropriately.

Mr. Chairman, 2 years ago I had the opportunity for the first time to visit the Hyde Park National Area, which is administered by the National Park Service. I have to point out to the chairman and the ranking member that it was in terrible disarray.

As I met with the national park officials, they had gone on as to how for several years the requested allotment through the Park Service had been cut back, and the serious problems that they were facing.

Mr. Chairman, I just throw this out in a constructive effort to say as we go forward for a national memorial of national significance, we ought not at the same time inadvertently overlook an existing asset of our National Park Service System.

Mr. YATES. Mr. Chairman, reclaiming my time, the gentleman from Michigan [Mr. HENRY] is correct. We will attempt to take care of that.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Kansas [Mr. GLICKMAN].

The question was taken; and on a division (demanded by Mr. WALKER) there were—ayes 10, noes 27.

So the amendment was rejected.

Mr. SHARP. Mr. Speaker, I move to strike the requisite number of words.

Mr. Speaker, this committee, under the leadership of the gentleman from Illinois [Mr. YATES] and the gentleman from Ohio [Mr. REGULA], deserves a great deal of credit for having over the years guaranteed that our country has stored crude oil in salt domes in Louisiana and Texas called the strategic petroleum reserve.

That policy this past year was put to the test and has proved how extremely important it is to our economy and to our foreign policy.

Last August, when the President of the United States, in conjunction with our European allies, decided to use oil as a weapon against Saddam Hussein,

really only had the flexibility to do that because he knew he had a reserve and backup and that we could afford to take the risk of shutting off 4 million barrels of production from the world market.

In January, when the President of the United States decided it was time to march against Saddam Hussein, one of his first acts was to open up the strategic petroleum reserve and sell 13 million barrels of oil. Overnight that brought down a dramatic spike in the price of world oil. It had shot up to \$40 a barrel in a matter of a few hours, but when the smoke cleared in the morning, when the news spread that the United States, Germany, and Japan were ready to sell out their reserves, we saw that price come right back down to the level it was before the war began.

Mr. Chairman, this saved our economy and consumers untold millions, if not billions, of dollars.

This year the committee, as so often has been the struggle, is faced with the proposition that no longer are we able to borrow from somewhere or rob Peter to pay Paul. Basically the administration and the committee have had to come to the conclusion that we cannot move aggressively ahead in adding to the strategic petroleum reserve for tough financial reasons. It does not make any sense for us to borrow from our grandchildren to pay for this, and it does not make any sense to take it from other critical priorities.

Mr. Chairman, it also makes no sense for us to stop building the strategic petroleum reserve. There are two things we need to understand very clearly. One is, on a bipartisan basis, the President signed into law last year a commitment we would take this reserve to 1 billion barrels, because we recognize we will need a larger reserve in the future.

That goes to the second reason as to why we did this and why we must continue to fill it, and that is that our imports of foreign oil are going to grow, not diminish.

□ 1610

Much as many Members would wish and many in this House and the President are going to work to try to send the increase in the flow of oil imports into this country, the hard realities are that unless we have a severe recession, we are scheduled to go from 8 million barrels a day imports to 10 or to 12 within the next 15 years. We are on the way up to more dependency. We are going to be in need to respond to other crises, and so we must continue to build the reserve.

We hope to give Members an opportunity to vote on a proposal later in the session on energy legislation in which we will require the oil companies to store a small percentage of their oil in the Government reserve. This is akin to policies adopted in Europe.

My colleagues and I, as consumers, if the prices are passed through in terms of product cost, would come off with no more and probably less than a half a cent per gallon of gasoline or a half a cent on home heating oil. That is more than worth paying. It is lost in the fluctuations of price every day or every week in the normal marketplace. But it can build this reserve.

If we are in error, if this is not a wise course to go, it is no big loss. Indeed, it is the opposite of almost every other Government program we engage in because Mother Nature created the salt domes. Mother Nature created the oil, and it will outlive all of us and our children and our grandchildren. And so when and if the Congress decides it is not smart policy, it can sell that oil and get a good price for it and retrieve money for the Treasury.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Ohio.

Mr. REGULA. What does the gentleman think of the policy of having the producers of the oil put the oil in the storage but retain ownership and, in effect, we lease the access to it?

Mr. SHARP. There are two variations as a part of that. What we plan to do in our legislation is first give the administration the chance to hopefully make work the leasing option that the gentleman is addressing. We hope to have this as a backup option which, if in 2 years we are not able to make leasing work and we will help make it work to the extent the administration can do it, that is a cheaper way to go than the current system, is that we will simply require that they will retain ownership under our proposal. And they will reap the benefit of it if it is ever sold, but we will maintain the control in the U.S. Government.

The CHAIRMAN. The time of the gentleman from Indiana has expired.

(By unanimous consent, Mr. SHARP was allowed to proceed for 1 additional minute.)

Mr. SHARP. It is not a matter of whether it is the marketplace that controls or not in a crisis. It will be a matter of whether Saudi Arabia or a collection of other foreign producing governments controls what happens in that marketplace, and our destiny depends on our Government's ability to have an influence. And this is the main and really the only way to do it.

Mr. REGULA. I think the gentleman can make a great case for an orderly development of the OCS.

Mr. SHARP. There are many options and actions, and we are going to have plenty of opportunity to vote on a lot of them. But the reserve is the one that we ought to all be able to get into the same tent and march forth with.

Mr. TAUZIN. Mr. Chairman, will the gentleman yield?

Mr. SHARP. I yield to the gentleman from Louisiana.

Mr. TAUZIN. Just to emphasize the gentleman's point to the House, there were all the economic experts and oil experts who predicted that oil would go to \$65 a barrel the moment the war started in the Persian Gulf. The President had the good judgment to announce a million-barrel release per day of the SPR and that not only stopped the price from going to \$65 as predicted, but the price of oil actually fell and kept this economy whole. That is how critical the SPR is and how critical the bill we are proposing is going to be.

Mr. SHARP. I thank the gentleman.

AMENDMENT OFFERED BY MR. STEARNS

Mr. STEARNS. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. STEARNS: On page 87, line 1, strike "\$147,700,000" and insert \$140,300,000.

Mr. YATES. Mr. Chairman, I ask unanimous consent that all time on this amendment and any amendments thereto close in 20 minutes, 10 minutes to be controlled by the gentleman from Florida [Mr. STEARNS] and 10 minutes by myself.

Mr. STEARNS. Mr. Chairman, that is acceptable.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. The gentleman from Florida [Mr. STEARNS] is recognized for 10 minutes.

Mr. STEARNS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in our previous vote, the vote of the gentleman from Illinois to do away with the funding for the NEA, there were 66 individuals that voted to do away with the NEA funding. I think a lot of Members felt that was strong. I think a lot of Members wanted to cut back and reduce the funding.

My amendment is basically reducing the funding by 5 percent, a mere 5 percent, turns out to be a little over \$7 million.

I think some of the projects and productions in the arts that were funded recently last year has made a lot of Members uneasy, particularly the one that was titled "By Poison." I do not have to go into the details of this particular funding, but I think a lot of Members think that the deficit that continues has to be stopped and a modest reduction in NEA funding is called for.

So I think a lot of Members would like to have the opportunity to vote by electronic means on this to reduce it by 5 percent, and so I have this amendment at the desk and I would ask all my colleagues to consider this modest reduction.

Mr. CRANE. Mr. Chairman, will the gentleman yield?

Mr. STEARNS. I yield to the gentleman from Illinois.

Mr. CRANE. I thank the gentleman for yielding to me. While I wish the percentage figures he had employed had been in the magnitude of 10, 20, 50, 100, on the other hand I think especially when we are staring at a \$350 billion deficit, a record in the history of this country, that this modest attempt at making some economies is totally in order.

I wholeheartedly support the gentleman, and I urge my colleagues to do likewise.

Mr. STEARNS. Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from North Carolina [Mr. LANCASTER].

Mr. LANCASTER. Mr. Chairman, I thank the gentleman from Illinois for yielding time to me since I intend to speak on behalf of the amendment. I had filed an amendment similar to this, but it would have been on the order of 10 percent and would have focused the reductions on those programs where there continue to be grants approved for arts programs which cannot be supported under the standards adopted by this body in last year's reauthorization. I have elected not to offer my amendment in deference to my friend and colleague, the chairman of this subcommittee.

However, I do speak in support of this reduction and will vote for it. As a long time supporter of the arts and a former chairman of the North Carolina Arts Council, I have gone on the line time and time again on behalf of the National Endowment only to have them come back and dash the hopes that I have had that they would become a responsible and sensitive organization that would respond to the political realities of arts funding by taxpayers dollars.

They have continued to disappoint me in that regard and have in fact disappointed many others who voted with those who last year worked on a reauthorization which attempted to place some restrictions on the funding of programs by the National Endowment, which would be in accordance with the wishes of the American people and with responsible Members of this body.

They have continued to disregard those standards which I believe the American people support and which were a part of the reauthorization last year.

I believe that a 5-percent reduction is in fact appropriate to send the message to the National Endowment that it will not be business as usual, that arts funding is not an entitlement, that any artist who applies for a grant is not entitled to it without regard to their previous history and without regard to the manner in which they have used previous grants. I would hope that with a reduction of this type, the National Endowment will reexamine their policies and will become the responsible

agency that it should be. Only then will it enjoy the full support of the American people and this body.

I urge my colleagues to support the amendment.

Mr. ATKINS. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. YATES], the distinguished chairman of the subcommittee.

Mr. YATES. Mr. Chairman, I am sorry I find myself on opposite sides of my good friend, the gentleman from North Carolina, MARTIN LANCASTER. I believe NEA is a responsible organization.

I think the gentleman, of all people in the House, knows how responsible NEA is because he was chairman of the State's Art Council before he was elected to this body. But he is overlooking the fact that NEA does not only make grants for visual arts, NEA does not only make grants for exhibitions, and it seems that those are the only two fields of applications that the gentleman is concerned with.

NEA makes grants for music. NEA makes grants for symphonies.

□ 1620

The NEA makes grants for chamber music. The NEA makes grants for dance. NEA makes grants for operas. NEA makes grants for theater. NEA makes grants for folk music and for the folk arts. No complaints have been filed with respect to any of those fields.

Because of two or three or four exhibitions, and usually cited are the Serrano exhibition and the Mapplethorpe exhibition, there are still complaints even though they were on exhibit 2 years ago. Those are still being used as examples.

NEA is far above that. The authorizing committee established standards last year, standards for judgment, and the NEA is adhering to the standards of the authorizing committee. It is a responsible organization. It deserves our support, and I trust this amendment will be rejected.

Mr. STEARNS. Mr. Chairman, I yield back the balance of my time.

Mr. ATKINS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment cuts the funding for the National Endowment for the Arts by 4.1 percent.

We have already had one amendment to zero fund the National Endowment for the Arts, and now we have an amendment to nick a teeny piece out of it. I would hope that this amendment is rejected.

This amendment is an attempt somehow, and the previous amendment was to cut the throat of the National Endowment, and this one is to just slap them on the wrist. For what purpose?

We have been through this in a very contentious process, been through reauthorization. We adopted a number of reforms which I think most of us believe in and which passed overwhelm-



ingly in this House, resolved problems that had existed in some of the grants that were made that were not appropriate.

This particular amendment is an amendment that is simply designed in some way to send a message, but the message is an unnecessary message. It was already sent with the authorization process, and it is a message that will not get at anything other than grants to school groups, grants to major cultural institutions. It will wind up hurting the very programs in the NEA that all of us have supported, or the vast majority of us, indicated by the last vote, have supported in the past.

I would urge the rejection of this amendment.

Mrs. BOXER. Mr. Chairman, I rise today in strong support of the Interior appropriations bill, and urge my colleagues to reject any amendments which would reduce or restrict funding for the National Endowment for the Arts.

Future historians will no doubt mark the bitter irony that forces who would undermine freedom of the arts in this country, encourage the Europeans to lift the heavy shackles of government intrusion and censorship.

The best interests of the American public are served by an endowment that is free to select projects strictly on the basis of artistic merit. For 2 years, the endowment and the arts community were buffeted by attacks from all directions. Now, with many States contemplating draconian cuts in arts funding, it is critically important for us to stand up and be counted in support of the NEA. We tore the NEA apart last year; let's allow it to move on this year.

Across the country, State arts programs are sustaining heavy blows. Projected cuts include 98 percent for Michigan, 72 percent for Massachusetts, 63 percent for Virginia, 56 percent for New York, 49 percent for Tennessee, and 16 percent for Louisiana. The fine work that the NEA has done for 25 years in nurturing the small dance companies, the symphony orchestras, the artists spaces, all across America, has been placed in jeopardy. Some of you may have seen the grim article in the New York Times last week entitled, "Brooklyn Institutions Say Cuts Will Kill."

I'd like to cite some concrete examples of the value of the endowment's work. These examples were discussed in the context of an oversight hearing held last week by the Subcommittee on Government Activities and Transportation, of which I am the Chair.

Although the NEA was given a new education mandate as part of last year's reauthorization, the endowment has for years conducted terrific, cost-effective education programs. One example that leaps to mind is San Francisco Symphony's Adventures in Music. This program is offered free to fourth and fifth grade classes in every San Francisco public school. Each class receives specially prepared classroom lessons, three professional in-school multicultural performances, and a trip to a special performance in Symphony Hall.

Another witness who testified before the subcommittee, Henry Taylor, winner of the

1986 Pulitzer Prize for Poetry, delivered moving testimony on the value of the Poetry-in-the-Schools Program. The education programs of the NEA, programs that bring the students to the art and bring the artists into the schools, have had many triumphs over the years.

It is ironic that even as the NEA is being instructed to set aside half of any increase in funding for education, theaters and museums are eliminating education programs in desperate triage efforts. The Brooklyn Museum is one of many institutions that may be forced to scrap an exemplary education program as it struggles to keep its doors open.

Many of you recognize that while the arts endowment's budget is modest—it comprises less than one-tenth of 1 percent of the total Federal budget—the funds that it distributes have a multiplier effect, generating matching support from corporations, institutions, and foundations. This effect is further multiplied as NEA-supported exhibits draw patrons who spend money in local hotels, restaurants, and shops. However, it appears that the constant attacks on the NEA have a reverse multiplier effect—they encourage State and local arts agencies to cut their support.

I think it is fair to say that an amendment to cut funds to artists while we are in a recession will only worsen the economic problems facing our cities and towns. One of the foremost industries in this country is tourism, and one of the foremost lures for tourists is our broad menu of cultural attractions; the NEA provides seed money that is matched over and over by private foundations, State agencies, individual benefactors, corporations, and the general public. Remove the foundation provided by the endowment and the entire structure is at risk.

An amendment to cut funding for NEA fellowship would strike the NEA right at its core. If such an amendment were to succeed, it would mean that the NEA would not be able to provide grants to the next John Irving, the next Isaac Bashevis Singer, or the next Alice Walker, to cite some past recipients. And by the way, John Irving, author of "The World According to Garp", repaid his NEA grant after he made it big.

The NEA must be able to seek out and nurture fine artists. It seems to me that the price we pay to help these artists is infinitesimal compared to the wonderful cultural benefits we have reaped and will reap again.

This amendment represents a reproach to the NEA, which has navigated a political minefield in a good faith effort to implement a complex law imposed only 7 months ago by Congress. Members should keep in mind that a grant application must survive tough competition and searching scrutiny before it is approved. A successful application must be approved by a grant review panel, then by the national council, then by the chairman. The panels must be composed chiefly of persons with expertise in the applicable discipline. Panels are assembled with diversity as the guiding principle, and each panel must now include a layperson. I believe that this system more than adequately addresses the concerns raised by some Members. Mr. Frohnmayer has vetoed some projects that got unanimous support from the peer panels. Surely he is mindful of controversy.

The NEA has probably given the taxpayer more for her dollar than any other Federal

agency. I urge my colleagues to support the committee's bill with no changes.

Mr. GOSS. Mr. Chairman, throughout last year's debate on the highly controversial issue of funding for the arts, my commitment to preserving the integrity of Federal support for the arts remained strong. My view has always been that responsible Federal funding decisions regarding the use of taxpayers money has led to many positive arts projects in our communities—and especially in southwest Florida. For that reason, my judgment has been to support the NEA in all its endeavors except those where projects clearly violated community standards of decency.

But I must say that this commitment is being sorely tested. The people of southwest Florida remain troubled about the decisionmaking at the NEA that allows tax dollars to find their way into projects that are clearly offensive and oftentimes just plain outrageous. Although my constituents believe in the arts and generally favor some measure of Federal support, they are adamantly opposed to using our precious Federal resources to promote and encourage activity they consider to be obscene and disgusting. This is not a matter of censorship or freedom of expression—this is a matter of common sense and responsibility for managing public funds in an appropriate manner. It is my sincere hope that the leadership at the NEA will take the necessary steps to restore their credibility with the public—and to restore the integrity of an agency that has long had the support of the American people. Otherwise, they will lose everyone's support.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. STEARNS].

The question was taken; and the Chairman announced that the noes appeared to have it.

#### RECORDED VOTE

Mr. STEARNS. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 196, noes 228, not voting 8, as follows:

[Roll No. 193]

#### AYES—196

Allard	Cooper	Gilchrist
Andrews (TX)	Costello	Gingrich
Archer	Coughlin	Goodling
Armey	Cox (CA)	Gordon
Baker	Cramer	Goss
Ballenger	Crane	Gradison
Barrett	Dannemeyer	Guarini
Barton	Davis	Hall (TX)
Bennett	de la Garza	Hamilton
Bentley	DeLay	Hammerschmidt
Bevill	Dickinson	Hancock
Bilirakis	Donnelly	Hansen
Bliley	Dooley	Harris
Boehner	Doolittle	Hastert
Brewster	Dorgan (ND)	Hayes (LA)
Browder	Dornan (CA)	Hefley
Bunning	Dreier	Hefner
Burton	Duncan	Henry
Byron	Edwards (OK)	Herger
Callahan	Edwards (TX)	Hosagland
Camp	Emerson	Hobson
Campbell (CA)	English	Holloway
Campbell (CO)	Erdreich	Hopkins
Carper	Fawell	Horn
Chapman	Fields	Hubbard
Clement	Franks (CT)	Huckaby
Coble	Gallegly	Hughes
Combest	Gekas	Hunter
Condit	Geren	Hutto

Hyde  
Inhofe  
Ireland  
Jacobs  
James  
Jenkins  
Johnson (TX)  
Kasich  
Kolbe  
Kolter  
Kyl  
Lagomarsino  
Lancaster  
Laughlin  
Lewis (FL)  
Lightfoot  
Lipinski  
Livingston  
Lloyd  
Long  
Luken  
Marlenee  
Martin  
McCandless  
McCollum  
McCrery  
McCurdy  
McEwen  
McMillan (NC)  
Meyers  
Michel  
Miller (OH)  
Montgomery  
Moorhead  
Myers  
Natcher  
Neal (NC)

## NOES—228

Abercrombie  
Ackerman  
Alexander  
Anderson  
Andrews (ME)  
Andrews (NJ)  
Annunzio  
Anthony  
Applegate  
Aspin  
Atkins  
AuCoin  
Bacchus  
Barnard  
Bellenson  
Bereuter  
Berman  
Bilbray  
Boehlert  
Bonior  
Borski  
Boucher  
Boxer  
Brooks  
Broomfield  
Brown  
Bruce  
Bryant  
Bustamante  
Cardin  
Carr  
Chandler  
Clay  
Clinger  
Coleman (MO)  
Coleman (TX)  
Collins (IL)  
Collins (MI)  
Conyers  
Cox (IL)  
Coyne  
Cunningham  
Darden  
DeFazio  
DeLauro  
Dellums  
Derrick  
Dicks  
Dingell  
Dixon  
Downey  
Durbin  
Dwyer  
Dymally  
Early  
Eckart

Edwards (CA)  
Engel  
Espy  
Evans  
Fascell  
Fazio  
Feighan  
Fish  
Flake  
Foglietta  
Ford (MI)  
Ford (TN)  
Frank (MA)  
Frost  
Gallo  
Gaydos  
Gejdenson  
Gephardt  
Gibbons  
Gillmor  
Gilman  
Glickman  
Gonzalez  
Grandy  
Green  
Gunderson  
Hall (OH)  
Hatcher  
Hayes (IL)  
Hertel  
Hochbrueckner  
Horton  
Houghton  
Hoyer  
Jefferson  
Johnson (CT)  
Johnson (SD)  
Johnston  
Jones (GA)  
Jones (NC)  
Jontz  
Kanjorski  
Kaptur  
Kennedy  
Kennelly  
Kildee  
Kieczka  
Klug  
Kopetski  
Kostmayer  
LaFalce  
Lantos  
LaRocco  
Leach  
Lehman (CA)  
Lehman (FL)

Skelton  
Slaughter (VA)  
Smith (NJ)  
Smith (TX)  
Oxley  
Solomon  
Spence  
Spratt  
Stallings  
Stearns  
Stenholm  
Stump  
Sundquist  
Tallon  
Tanner  
Tausin  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Thomas (GA)  
Thomas (WY)  
Traficant  
Upton  
Valentine  
Volkmer  
Vucanovich  
Walker  
Weber  
Weldon  
Wilson  
Wolf  
Wylie  
Young (AK)  
Young (FL)  
Zimmer

Ramstad  
Rangel  
Ravenel  
Ray  
Reed  
Regula  
Richardson  
Ridge  
Roe  
Rose  
Rostenkowski  
Roybal  
Russo  
Sabo  
Sanders  
Sangmeister  
Sawyer  
Scheuer  
Schiff  
Schroeder

Bateman  
Gray  
Levine (CA)

Schumer  
Serrano  
Sharp  
Sikorski  
Skaggs  
Skeen  
Slattery  
Slaughter (NY)  
Smith (FL)  
Smith (IA)  
Smith (OR)  
Solarz  
Staggers  
Stark  
Stokes  
Studds  
Swett  
Synar  
Thornton  
Torres

## NOT VOTING—8

Owens (UT)  
Rhodes  
Savage

Torricelli  
Towns  
Traxler  
Unsoeld  
Vento  
Visclosky  
Walsh  
Washington  
Waters  
Waxman  
Weiss  
Wheat  
Whitten  
Williams  
Wise  
Wolpe  
Wyden  
Yates  
Yatron  
Zeliff

Swift  
Vander Jagt

## □ 1643

Mr. ZELIFF changed his vote from "aye" to "no."

Messrs. ERDREICH, ROWLAND, HEFNER, and NATCHER changed their vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title II?

If not, the Clerk will read.

The Clerk read as follows:

## TITLE III—GENERAL PROVISIONS

SEC. 301. The expenditure of any appropriation under this Act for any consulting service through procurement contract, pursuant to 5 U.S.C. 3109, shall be limited to those contracts where such expenditures are a matter of public record and available for public inspection, except where otherwise provided under existing law, or under existing Executive order issued pursuant to existing law.

SEC. 302. No part of any appropriation under this Act shall be available to the Secretary of the Interior or the Secretary of Agriculture for the leasing of oil and natural gas by noncompetitive bidding on publicly owned lands within the boundaries of the Shawnee National Forest, Illinois: *Provided*, That nothing herein is intended to inhibit or otherwise affect the sale, lease, or right to access to minerals owned by private individuals.

SEC. 303. No part of any appropriation contained in this Act shall be available for any activity or the publication or distribution of literature that in any way tends to promote public support or opposition to any legislative proposal on which congressional action is not complete.

SEC. 304. No part of any appropriation contained in this Act shall remain available for obligation beyond the current fiscal year unless expressly so provided herein.

SEC. 305. None of the funds provided in this Act to any department or agency shall be obligated or expended to provide a personal cook, chauffeur, or other personal servants to any officer or employee of such department or agency except as otherwise provided by law.

SEC. 306. None of the funds provided in this Act shall be used to evaluate, consider, process, or award oil, gas, or geothermal leases on Federal lands in the Mount Baker-Snoqualmie National Forest, State of Washington, within the hydrographic boundaries

of the Cedar River municipal watershed upstream of river mile 21.6, the Green River municipal watershed upstream of river mile 61.0, the North Fork of the Tolt River proposed municipal watershed upstream of river mile 11.7, and the South Fork Tolt River municipal watershed upstream of river mile 8.4.

SEC. 307. No assessments may be levied against any program, budget activity, subactivity, or project funded by this Act unless such assessments and the basis therefor are presented to the Committees on Appropriations and are approved by such Committees.

SEC. 308. Employment funded by this Act shall not be subject to any personnel ceiling or other personnel restriction for permanent or other than permanent employment except as provided by law.

SEC. 309. Notwithstanding any other provision of law, in fiscal year 1992 and thereafter, the Secretary of the Interior, the Secretary of Agriculture, the Secretary of Energy, and the Secretary of the Smithsonian Institution are authorized to enter into contracts with State and local governmental entities, including local fire districts, for procurement of services in the suppression, detection, and suppression of fires on any units within their jurisdiction.

SEC. 310. None of the funds provided by this Act to the United States Fish and Wildlife Service may be obligated or expended to plan for, conduct, or supervise deer hunting on the Loxahatchee National Wildlife Refuge.

SEC. 311. None of the funds in this Act may be used to plan, prepare, or offer for sale timber from trees classified as giant sequoia (*sequoiadendron giganteum*) which are located on National Forest System or Bureau of Land Management lands until an environmental assessment has been completed and the giant sequoia management implementation plan is approved. In any event, timber harvest within the identified groves will be done only to enhance and perpetuate giant sequoia. There will be no harvesting of giant sequoia specimen trees. Removal of hazard, insect, disease and fire killed giant sequoia other than specimen trees is permitted.

SEC. 312. Such sums as may be necessary for fiscal year 1992 pay raises for programs funded by this Act shall be absorbed within the levels appropriated in this Act.

SEC. 313. Notwithstanding any other provision of law and Executive Order 12548 of February 14, 1986, the Secretaries of Agriculture and the Interior shall establish annual fees for domestic livestock grazing on the public rangelands formerly subject to the Public Rangelands Improvement Act of 1978 (Public Law 95-514) for the grazing season which commences on March 1, 1992, at a level equal to \$2.62 per animal unit month.

SEC. 314. None of the funds made available by this or any other Act with respect to any fiscal year may be used by the Department of the Interior or the Forest Service, Department of Agriculture to make any reimbursements to any other Federal department for litigation costs associated with the Prince William Sound oilspill.

SEC. 315. None of the funds provided in this Act may be expended by the Forest Service or the Bureau of Land Management to increase fees charged for communication site use of lands administered by the Forest Service or Bureau of Land Management by more than 22 per centum per user in fiscal year 1992 over the levels in effect on January 1, 1989.

SEC. 316. None of the funds appropriated by this Act may be used to ensure that hardwood saw timber harvested from Federal lands east of the 100th meridian is marked in



such a manner as to make it readily identifiable at all times before its manufacture.

SEC. 317. No part of any appropriation under this Act shall be available to the Secretaries of the Interior and Agriculture for use for any sale made of unprocessed timber from Federal lands which will be exported from the United States, or which will be used as a substitute for timber from private lands which is exported by the purchaser: *Provided*, That the Secretaries of the Interior and Agriculture shall follow only the statutory provisions on substitution as directed by Public Law 101-382 when addressing substitution on lands under their jurisdiction west of the 100th meridian in the contiguous United States: *Provided further*, That this limitation shall not apply to specific quantities of grades and species of timber which said Secretaries determine are surplus to domestic lumber and plywood manufacturing needs.

SEC. 318. Notwithstanding any other provision of law, payments to States pursuant to 16 U.S.C. 500 for national forests affected by decisions relating to the Northern Spotted Owl from fiscal year 1992 receipts shall not be less than 90 per centum of the average annual payments to States, based on receipts collected on those national forests during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the affected national forests during fiscal year 1992.

SEC. 319. Notwithstanding any other provision of law, the payment to be made by the United States Government pursuant to the provision of subsection (a) of title II of the Act of August 28, 1937 (50 Stat. 876), to the Oregon and California land-grant counties in the State of Oregon from fiscal year 1992 receipts derived from the Oregon and California grant lands shall not be less than 90 per centum of the average annual payment made to those counties of their share of the Oregon and California land-grant receipts collected during the five-year baseline period of fiscal years 1986 through 1990: *Provided*, That in no event shall these payments exceed the total amount of receipts collected from the Oregon and California grant lands during fiscal year 1992.

Mr. YATES (during the reading). Mr. Chairman, I ask unanimous consent that title III be considered as read, printed in the RECORD, and open to amendment at any point.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The CHAIRMAN. Are there any points of order against title III?

#### POINTS OF ORDER

Mr. VOLKMER. Mr. Chairman, I make a point of order against section 317 of the bill, H.R. 2686, on the grounds that section 317 constitutes legislation in an appropriations bill in violation of clause 2 of rule XXI of the Rules of the House.

Mr. Chairman, section 317 would impose additional duties on the Secretaries of Agriculture and the Interior by requiring them to make new determinations not already required by law regarding the disposition of unprocessed timbers sold from Federal lands, and the substitution of timber from

private lands which is exported by the purchaser.

The CHAIRMAN. Does the gentleman from Illinois care to be heard on the point of order?

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GORDON). The point of order is conceded and sustained, and the section is stricken.

Are there other points of order?

Mr. SKEEN. Mr. Chairman, I raise a point of order against section 313 on page 94.

I cite clause 2 of rule XXI, prohibiting legislating on an appropriations bill as justification for my point of order, and I ask that this section be stricken from the bill.

The CHAIRMAN. Does the gentleman from Illinois desire to be heard on the point of order?

Mr. YATES. I concede the point of order, Mr. Chairman.

The CHAIRMAN (Mr. GORDON). The point of order is conceded and sustained, and the section is stricken.

#### AMENDMENT OFFERED BY MR. TRAFICANT

Mr. TRAFICANT. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. TRAFICANT: On page , after line , insert the following:

SEC. . None of the funds appropriated or made available in this Act shall be used to purchase or acquire items from a foreign country if the Secretary of Interior, after consultation with the United States Trade Representative, determines that a foreign country which is party to a reciprocal trade agreement has violated the terms of the agreement by discriminating against certain types of products produced in the United States that are covered by the agreement: *Provided*, That a reciprocal trade agreement is any agreement between the United States and a foreign country pursuant to which the Secretary of Interior has prospectively waived title III of the Act of March 3, 1933 (43 Stat. 1520; 41 U.S.C. 10a-10c) as amended by the Buy American Act of 1988 (Public Law 100-418; 102 Stat. 1545): *Provided further*, That the Secretary of the Interior responsible for the procurement may waive this restriction on a case-by-case basis by certifying in writing to the Committee on Appropriation of the House of Representatives and the Senate that adequate domestic supplies are not available to meet Department of Interior requirements on a timely basis of the cost of compliance would be unreasonable compared to the costs of purchase from a foreign manufacturer.

Mr. TRAFICANT (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objections to the request of the gentleman from Ohio?

There was no objection.

Mr. TRAFICANT. Mr. Chairman, this is language that has been agreed to by the minority and the chairman.

Mr. Chairman, I yield to the ranking member, the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, I have no problem with this amendment. I

think it is important that wherever possible in the expenditure of public funds that we buy America.

I tried to get this amendment made in order at the Rules Committee and it was rejected, but I think it addresses a serious problem. I have always been upset with the fact that we spend a lot of money in the trust territories on contracts. Many times these contracts are let to firms other than American firms. It would seem to me that if it is American taxpayer dollars, it ought to be spent with American firms on American products.

Mr. TRAFICANT. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Ohio [Mr. TRAFICANT].

The amendment was agreed to.

#### AMENDMENT OFFERED BY MR. MORAN

Mr. MORAN. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. MORAN: Page 93, line 19, insert before the period the following: "or on the Mason Neck Wildlife Refuge".

#### POINT OF ORDER

Mr. SCHULZE. Mr. Chairman, I make a point of order that the Moran amendment is not germane under clause 7 of rule XVI. Clause 7 of rule XVI states:

No motion or proposition on a subject different from that under consideration shall be admitted under color of amendment.

Clearly, the Moran amendment is on a subject different from that under consideration under section 310 of the bill, and therefore should be ruled as nongermane.

Mr. Chairman, I insist on my point of order.

□ 1650

The CHAIRMAN. Does the gentleman from Virginia [Mr. MORAN] desire to be heard on the point of order?

Mr. MORAN. Yes, I do, Mr. Chairman.

The CHAIRMAN. The gentleman is recognized.

Mr. MORAN. Mr. Chairman, this is a perfecting amendment to section 310 that would preclude open deer hunting on the Loxahatchee National Wildlife Refuge. My amendment would extend that to the Mason Neck Wildlife Refuge in the same manner and for the same reasons.

Mason Neck Wildlife Refuge is in a very densely populated area where open deer hunting is inappropriate. The solution is the same as is applied to the Loxahatchee National Wildlife Refuge, which is to have professional marksmen cull the deer herd in a way that is safe and does not present an immediate threat to the 600 families who live on the border of this wildlife refuge, including over 600 children who attend an elementary school on its border.

Mr. SCHULZE. Mr. Chairman, let me just state this is an individual propo-

sition amending an individual proposition, and under that it is not germane.

The CHAIRMAN (Mr. GORDON). The Chair will rule that the test of germaneness is the relationship of the amendment to title III as a whole and not necessarily just to section 310, because the title is open at any point by unanimous consent. The amendment is germane to the title which includes an identical limitation on deer hunting in another area and other miscellaneous provisions relating to funding in the bill. The Chair is required to look beyond the subject matter of section 310. Otherwise the point of order would be correct.

The point of order is overruled.

#### POINT OF ORDER

Mr. SCHULZE. Mr. Chairman, I have a further point of order.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. SCHULZE] will state his point of order.

Mr. SCHULZE. Mr. Chairman, I make the point of order that it is not germane under rule XXI, clause 2.

The CHAIRMAN. Does the gentleman make a germaneness point of order?

Mr. SCHULZE. No. Mr. Chairman, I make the point of order that it is legislating on an appropriation bill, clause 2, rule XXI.

The CHAIRMAN. Does the gentleman from Virginia desire to be heard?

Mr. MORAN. Mr. Chairman, my response would be that this is a perfecting amendment to preclude open deer hunting on Mason Neck Wildlife Refuge in the same manner and for the same reasons as it is precluded on the Loxahatchee National Wildlife Refuge.

There are two refuges for which open deer hunting is appropriately precluded; Mason Neck is the other one.

The CHAIRMAN. Does the gentleman from Pennsylvania [Mr. SCHULZE] desire to be heard further?

Mr. SCHULZE. Mr. Chairman, if I may be heard, the Department of the Interior has determined that this is a proper way to limit the numerical growth of deer in this area, that it is safe. They have taken every precaution necessary, and therefore they are not similar.

The CHAIRMAN. Does the gentleman from Indiana desire to be heard?

Mr. BURTON of Indiana. Yes.

Mr. Chairman, I very rarely take issue with my good friend from Pennsylvania, but the gentleman from Virginia stopped me a while ago and went into this in some detail with me. If I might have the attention of my colleague from Pennsylvania, if I might have the gentleman's attention for a moment, I wish he would think about maybe reconsidering his point of order.

As I understand it, children get off of school buses in this area, and there is a great deal of hunting that goes on. And if some precautions are not taken, there might inadvertently be some

hunter who fires a gun and kills a child.

Mr. SCHULZE. The Department of the Interior has looked this over extensively, they have their experts who have done this and feel that it is entirely safe and that no children will be threatened or will be in jeopardy. They have total control over this, and I insist on the point of order.

Mr. YATES. Mr. Chairman, may we have a ruling on the point of order?

The CHAIRMAN (Mr. GORDON). The Chair will rule that the amendment is in the form of a limitation on funds in the bill, and must await disposition of the motion to rise and report. Under rule XXI, clause 2, cited by the gentleman from Pennsylvania, the amendment is not in order at this time.

Mr. MORAN. I thank the Chairman.

The CHAIRMAN. Are there other amendments to title III?

#### AMENDMENT OFFERED BY MR. SYNAR

Mr. SYNAR. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. SYNAR: At the end of the bill add the following new section: SEC. . GRAZING ON THE PUBLIC RANGELANDS.

(a) FEE STRUCTURE.—(1) Notwithstanding any other provision of law, the Secretary of Agriculture with respect to public domain lands (except for the National Grasslands) administered by the United States Forest Service where domestic livestock grazing is permitted under applicable law, and the Secretary of the Interior with respect to public lands administered by the Bureau of Land Management where domestic livestock grazing is permitted under applicable law, shall establish the following domestic livestock grazing fee structure for such grazing:

(A) For fiscal year 1992, the grazing fee on such lands shall not be less than \$4.35 per animal unit month.

(B) For fiscal year 1993, the grazing fee on such lands shall not be less than \$5.80 per animal unit month.

(C) For fiscal year 1994, the grazing fee on such lands shall not be less than \$7.25 per animal unit month.

(D) For fiscal year 1995, and each fiscal year thereafter, the grazing fee on such lands shall not be less than \$8.70 per animal unit month or fair market value, whichever is higher.

(2)(A) For purposes of this subsection, the term "fair market value" is defined as follows:

Fair market value equals the appraised base value times forage value index divided by 100.

(B) For the purposes of subparagraph (A)—  
(i) the term "Forage Value Index" means the Forage Value, Index computed annually by the Economic Research Service, United States Department of Agriculture; and

(ii) the term "Appraised Base Value" means the 1983 Appraisal Value conclusions by animal class (expressed in dollars per head or pair month) for the pricing area concerned, as determined in the 1986 report prepared jointly by the Secretary of Agriculture and the Secretary of the Interior entitled "Grazing Fee Review and Evaluation", dated February 1986.

(3) Executive Order No. 12548, dated February 14, 1986, shall not apply to grazing fees established pursuant to this Act.

(b) GRAZING REFORMS.—(1) Section 309(d) of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739(d)) is amended by adding at the end the following new sentence: "The grazing advisory boards established pursuant to Secretarial action, notice of which was published in the Federal Register on May 14, 1986 (51 Fed. Reg. 17874), are hereby abolished, and the advisory functions exercised by such boards shall, after the date of enactment of this sentence, be exercised only by the appropriate councils established under this section."

(2) Section 5(c) of the Public Rangelands Improvement Act of 1978 (43 U.S.C. 1904(c)) is amended to read as follows:

"(c) Funds appropriated pursuant to this section or any other provision of law related to disposition of the Federal share of receipts from fees for grazing on public lands or National Forest lands in the 16 contiguous western States shall be used for the restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for implementation and enforcement of applicable land management plans, allotment management plans, and regulations regarding the use of such lands for domestic livestock grazing. Such funds shall be distributed as the Secretary concerned deems advisable after consultation and coordination with the advisory councils established pursuant to section 309 of the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1739) and other interested parties."

Mr. SYNAR (during the reading). Mr. Chairman, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

Mr. SYNAR. Mr. Chairman, I ask unanimous consent that 30 minutes of the 1 hour allocated for debate on this amendment be allocated to the gentleman from New Mexico [Mr. SKEEN].

The CHAIRMAN. Is there objection to the request of the gentleman from Oklahoma?

There was no objection.

The CHAIRMAN. The gentleman from Oklahoma [Mr. SYNAR] will be recognized for 30 minutes, and the gentleman from New Mexico [Mr. SKEEN] will be recognized for 30 minutes.

The Chair recognizes the gentleman from Oklahoma [Mr. SYNAR].

Mr. SYNAR. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, first of all let me tell my colleagues that we come today on what has become one of the most contentious issues that this body deals with on a regular basis, and it is my hope as a Member of Congress from the great State of Oklahoma that this is not engraved on my tombstone that this was my only contribution to this institution.

What I would like to do is talk about what this debate in the next hour is not about. This is not a debate about whether or not we are going to have cattle-free grasslands throughout our Federal property. It is not about no moo in 1992, or any other kind of movement throughout this country.



This debate is not about vegetarians, not about animal rights advocates, it is not about eco-terrorists. It is not a debate about Members of Congress authorizing legislation who have no experience in ranching and farming because Mr. DARDEN, Mr. ATKINS, and I are all former 4-H'ers. Mr. DARDEN and I are active ranchers and farmers presently in business. This is not about procedural jockeying or gamesmanship.

This is about giving our colleagues, after so long a time, an opportunity to vote on the merits of whether or not we can continue one of the gross subsidies throughout this Nation's history.

This debate is about recognizing that when Members of Congress, through their committees, recognize and analyze a problem and then provide a solution to that problem, that we as an institution consider solving that problem.

This debate is about leadership; it is about accountability; and most of all it is about fairness.

The facts are irrefutable. Only 2 percent of our Nation's cattle ranchers, 26,000 out of 1.6 million, enjoy a grazing subsidy that no other rancher in this country enjoys. That is a fact.

It is a fact that they are chewing their way through \$150 million a year of taxpayers' money. That is a fact.

It is a fact that they have chewed their way through \$650 million of subsidies over the last 5 years because of Congress' failure to do something about this subsidy.

And finally, it is an irrefutable fact that 60 to 70 percent of our rangelands in this country are in poor or unsatisfactory condition.

When we debated this topic 1 year ago, there was a debate about whether or not the statistics that I was using, or those who were opponents of this issue, were correct.

Since last year, I asked the General Accounting Office to review all the studies and all the major papers that had literally been written throughout this country for the last 10 years on this subject.

And last week, in June, and also on May 16 when we revealed this GAO report, the GAO came to the same conclusion that we did last year.

I offered that GAO report for two reasons: First of all, in an attempt to show that those of us who believe in this cause were willing to go the extra mile to review the facts that were presented on this floor and by the ranchers throughout the Western United States, to give them the benefit of the doubt in the last year to make their case.

Ladies and gentlemen, they have not made their case; in fact, they have proven our case to be even more potent than ever.

□ 1700

However, Mr. Chairman, what this report also says is that it is long over-

due to correct this imbalance, this unfairness, that exists in the United States. As my colleagues know, as we sit here as Members of Congress, and even today as I visited with constituents throughout my own district and throughout this country, I am reminded of how many of them come forward each year and tell me, "Congressman, the one thing I'd like to see about this Government is that it runs itself like a business." Well, my colleagues, in less than 1 hour we are going to have an opportunity to do exactly that, because the Synar-Darden-Atkins amendment will ensure that we will begin to run the grazing program of this country like a business. We are going to give these ranchers, who have literally lived off the receipts of our taxpayers, to the tune of almost a billion dollars, we are going to give them the opportunity to enjoy the free market system which they so vigorously advocate.

I look forward to this debate. Let us keep it on the facts, and I think, if we do, the country will be served.

Mr. Chairman, I reserve the balance of my time.

AMENDMENT OFFERED BY MR. SKEEN TO THE  
AMENDMENT OFFERED BY MR. SYNAR

Mr. SKEEN. Mr. Chairman, I offer an amendment to the amendment.

Mr. SYNAR. Mr. Chairman, I reserve a point of order.

The CHAIRMAN. The Clerk will read. The Clerk read as follows:

Amendment offered by Mr. SKEEN to the amendment offered by Mr. SYNAR: Page 3, after line 21, add the following new paragraph:

(3) The Secretary of the Interior and the Secretary of Agriculture, as appropriate, shall annually pay the holder of a permit or lease for domestic livestock grazing under applicable law for the following costs incurred by the holder in operating under such lease or permit: improvements made to rangelands, losses incurred from vandalism and harassment, fencing, water improvements, damages caused by flood or drought, supplemental feeding, veterinary costs, predator and noxious weed control, and herd care.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. SYNAR] reserve his point of order?

Mr. SYNAR. I do reserve my point of order, Mr. Chairman. Under the rule an amendment to the amendment is not in order.

The CHAIRMAN. Is the gentleman insisting upon his point of order?

Mr. SYNAR. Mr. Chairman, I will reserve my point of order until the gentleman from New Mexico [Mr. SKEEN] makes a statement.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from Oklahoma [Mr. SYNAR].

Mr. Chairman, the reason I introduced this amendment is to highlight and emphasize the wholehearted distortion that has been laid before us time and time again, that this grazing system constitutes a subsidy. Nothing

could be further from the truth because to have one of these permits requires a tremendous investment, a tremendous production, a tremendous dedication in time, management, and skill and so forth, investment of one's own money in this system to be able to cooperate with the Federal Government in managing a huge amount of western lands, and the Government gets its money's worth because it gets day-in, day-out service. It gets management acumen that they do not have in the BLM or any other agency. They get an investment from an individual who takes on as a partner the Federal Government and discharges all of the duties that must be done as an investor and a manager, and then pays the Government for the privilege as well. Now if that is a subsidy, I do not know the definition of subsidy.

However, Mr. Chairman, the reason I ask for this amendment to be offered is to highlight the fact that these are all services that permittees pay for day in, day out, year in and year out. On private grazing leases the lessor pays for all of this. So, if we want this thing to be equitable, let us talk about putting it on the same basis or on a level playing field. It certainly is not, and the GAO report admits this as well.

Mr. Chairman, I have read all three GAO reports, and I say this: It is a wonderful job in statistics, but it does not necessarily bear out the truth of the real operation of this matter.

Mr. Chairman, I will ask unanimous consent that my amendment to the amendment of the gentleman from Oklahoma [Mr. SYNAR] be withdrawn.

Mr. LEWIS of California. Before the gentleman from New Mexico [Mr. SKEEN] does that, Mr. Chairman, will the gentleman yield?

Mr. SKEEN. I yield to the gentleman from California.

Mr. LEWIS of California. Mr. Chairman, I would like to associate myself with the remarks of the gentleman from New Mexico [Mr. SKEEN] that are long overdue on this floor.

Mr. Chairman, I rise today in opposition to the grazing amendment offered by the gentleman from Oklahoma. While I do not object to a debate on the merits of the current permit system, I am very much opposed to efforts to use the appropriations process to bypass the authorizing committee.

We took that course last October because Mr. SYNAR argued that he could not get a hearing on the merits of his grazing-fee revisions in the Interior Committee. Let us not do this again today because the gentleman has received such a hearing but could not win a vote on such an amendment.

One can debate whether the 31,000 ranchers in 16 Western States pay a reasonable fee for access to public lands. We should not argue about the fact that they are one of the few groups who have long paid what amounts to a user fee for this privilege. Furthermore, grazing fees have not stood still. In the last 4 years, they have increased by 46 percent.

We will hear that the failure to adequately manage grazing has destroyed crucial habitat for endangered species throughout the West. Let us be sure that the ranching community is not held entirely responsible for these declines. In the high desert of southern California, ranchers have maintained water guzzlers which have proved to be critical to the recovery of the bighorn sheep. The ranchers I know personify something which I have long said. Those who live and work in the desert are its best conservationists.

In the Interior Committee process, all affected parties can work together to accomplish a compromise. That is not something which we can do today here on the floor. This amendment violates our process for legislating. I urge my colleagues to see it in that light and oppose it as I do.

Mr. SKEEN. Mr. Chairman, I thank the gentleman from California [Mr. LEWIS] for his support.

Mr. Chairman, I ask unanimous consent to withdraw my amendment to the amendment of the gentleman from Oklahoma [Mr. SYNAR].

The CHAIRMAN. Is there objection to the request of the gentleman from New Mexico?

There was no objection.

The CHAIRMAN. The amendment offered by the gentleman from New Mexico [Mr. SKEEN] to the amendment offered by the gentleman from Oklahoma [Mr. SYNAR] is withdrawn.

The CHAIRMAN. Does the gentleman from Oklahoma [Mr. SYNAR] withdraw his point of order?

Mr. SYNAR. Yes, it is withdrawn, Mr. Chairman.

The CHAIRMAN (Mr. GORDON). The point of order of the gentleman from Oklahoma is withdrawn.

Mr. SYNAR. Mr. Chairman, I yield 5½ minutes to my good friend, the gentleman from Georgia [Mr. DARDEN], a cosponsor of this amendment.

Mr. DARDEN. Mr. Chairman, to my friend from Oklahoma—the American people owe you a great debt of gratitude for your taking the initiative on this critical economic and environmental issue—it takes a lot of courage to fight to end this wasteful subsidy for a few of your fellow westerners, and I am pleased to support you. As the son of a cattleman and dairy farmer, I believe a vast majority of cattlemen will benefit when our amendment becomes law.

Mr. Chairman and colleagues, this is not our first attempt to end the grazing subsidy. I have for the past several years, introduced legislation to increase grazing fees, and as many of you remember, last year, Mr. SYNAR and I were successful in offering a similar amendment to charge fair market value for grazing rights on Federal lands. The House spoke decisively on this issue, and I believe it is time to end this grazing giveaway once and for all. The taxpayers continue to lose as much as \$150 million per fiscal year to provide subsidies for only 2 percent of

the Nation's cattle ranchers, and the lands used for grazing continue to deteriorate. With many worthy programs, such as national parks, suffering damaging reductions because of our budget crisis, I believe we can no longer afford to forgo these revenues to protect a small group of wealthy ranchers.

I have for some time been concerned about the effect of these incredibly low fees on both our Federal deficit and the Bureau of Land Management's efforts to maintain these public lands. Given the relative increases in fees charged for use of private lands, and the increasing costs of maintaining these lands, I believe we can no longer justify these ridiculously low fees.

A recent GAO report confirms that the current fee structure is technically flawed and produces a fee which neither covers the Government's cost of managing the grazing program nor funds an adequate level of source protection nor follows the rise in forage value paid by ranchers on private lands.

I do not wish to eliminate the grazing program, nor do I wish to place unnecessary burdens on ranchers. As the son of a dairy farmer and cattleman, I am not insensitive to the legitimate needs of farmers and ranchers. However, I believe if ranchers wish to participate in this program, they must also bear the costs of its operation and maintenance. The American people, and their representatives in Congress, are tired of our failure to address this costly inequity.

We have proposed what we believe is a reasonable and responsible solution; the gradual increases called for in our bill are neither drastic nor unwarranted. I urge your support of our effort to return fairness to the cattle industry. The present fee does not even cover the cost of managing the rangelands under Federal control.

The Government charges \$1.97 per animal unit month for grazing rights worth at least three times that amount. Even the Bureau of Land Management estimates \$8.70 per animal unit month as the value of forage consumed when charging trespassers on public lands. And, State universities in Western States charge far more for similar privileges on their grazing lands.

Unfortunately, a small but vocal minority continues to insist on their right to benefit from artificial controls on grazing fees while the vast majority of hardworking ranchers remain subject to the fluctuations of free market forces. Thus, current Federal grazing fee policy amounts to an arbitrary and unfair subsidy for the few western cattlemen with access to these Federal lands, while others must pay the full market rate.

I first became acquainted with the grazing giveaway when I began serving on the Subcommittee on National

Parks and Public Lands. The Grace Commission, a group whose purpose was to identify areas of Government waste, pointed out that the taxpayers are losing millions of dollars each year by subsidizing the activities of a few livestock producers who had virtually free rein to graze on public lands. All Members have received a letter from a group known as Citizens Against Government Waste supporting our amendment. The National Taxpayers Union also favors these provisions.

A vote for our amendment is a vote to protect the environment. A vote for our amendment is a vote for fiscal responsibility. A vote for our amendment is a vote for fairness and free enterprise.

□ 1710

Mr. Chairman, this contrasts with a 17-percent increase in private grazing lease rates over the same period. So we have now a 27-percent differential here, and it is time, Mr. Chairman, to put this on a pay-as-you-go basis.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

The CHAIRMAN. The time of the gentleman from Georgia [Mr. DARDEN] has expired.

Mr. SYNAR. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, the gentleman from Georgia [Mr. DARDEN] made the statement that it is the same as the States. Do the States require multiple use on their lands?

Mr. DARDEN. Mr. Chairman, if the gentleman will yield, I am not familiar with whether the States require multiple use or not, and I would have to refer to my notes. I am not aware of whether they do or whether they do not.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Nevada [Mr. BILBRAY].

Mr. BILBRAY. Mr. Chairman, I rise in opposition to the amendment offered by my friend, the gentleman from Oklahoma [Mr. SYNAR]. I am from a Western State, a Mountain State, but I represent an urban area, and I would say that I have not one single vote from ranchers or miners coming from a new reapportionment. However, I would note that this is bad legislation.

Mr. Chairman, the subject of grazing fees is an important issue to the State of Nevada. The present grazing fees are based on a complex set of variables. Any significant change to this formula necessitates a studied approach within the authorizing committee. As an amendment to the Interior appropriations bill, this measure disallows significant, rational debate. Sixty minutes on the floor of the House will not provide the adequate debate to allow for an equitable solution to a complex problem.

In the name of fair debate, I advocate a different approach other than the Synar amendment, to the subject of grazing fees. Due to



the complexity of this program, I would like to see legislative action affecting grazing fees go through the appropriate, legislative process. Oppose the Synar amendment.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentlewoman from Nevada [Mrs. VUCANOVICH].

Mrs. VUCANOVICH. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I rise in strong opposition to the Synar amendment.

While reading the GAO report the gentleman from Oklahoma has been touting as gospel, I came across something very, very interesting. I quote, "the soundness of the formula must be viewed in the context of the primary objective to be achieved. The current formula meets [the] objective of promoting the economic stability of western livestock grazing operators. \* \* \* With this in mind, is the gentleman from Oklahoma seeking to destabilize the western livestock industry?"

Further, it is interesting to note Mr. SYNAR's liberal use of the Grace Commission report. Upon a close examination of the Commission's recommendations, one learns that raising grazing fees is the least desired of the two recommendations. The more desirable suggestion is, and I quote, "the task force concluded that transfer of the rangeland to private ownership could save an estimated \$93.1 million over three years." That's right, Mr. Chairman, private ownership will save the Government money. So, again I ask, what is the real agenda here, to end ranching on the public lands?

In addition, Mr. Chairman, the claim has been made that the current system benefits only a few wealthy ranchers. That is simply not true. In my State, Nevada, 85 percent of the ranches are family and Indian owned. Raising the grazing fees will do exactly the opposite of what Mr. SYNAR claims is the desired effect. Only the few large ranchers will be able to pay the increase, and the family ranchers will be put off the range and competition will be diminished.

Unfortunately, the Grace Commission Report, the GAO report, and the economics of the proposal will never be fully investigated because the two authorizing committees are being completely sidestepped. It is truly a tragedy that this body is even considering such as debilitating proposal to the western ranching family.

Mr. Chairman, I urge defeat of Mr. SYNAR's antifamily ranch amendment.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Colorado, Mr. BEN NIGHTHORSE CAMPBELL.

Mr. CAMPBELL of Colorado. Mr. Chairman, like my colleagues, the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Georgia [Mr. DARDEN], who are offering this amendment, I believe it is time that Congress addresses this critical issue. Unlike

them, however, I believe this issue needs to be addressed through the appropriate process, through the Committee on Interior and Insular Affairs and the Committee on Agriculture. The Synar amendment prevents 25 of our colleagues from having a bill which I introduced heard in the normal committee process.

Beyond the issue of inappropriately distorting the House rules, the Synar amendment is patently unfair to western communities. The present grazing fee formula, established by the Public Rangelands Improvement Act of 1978, was worked out after long years of debate and negotiations involving agriculture, environmental groups, Congress, and the executive branch. It is fair and equitable to all concerned and has worked well for government, agriculture, the environment, and consumers. It is by no means, as some in this body have claimed, a fiscal disaster.

For example, because of recent favorable conditions in the livestock market, fees have increased by 10 percent this year, and that is per animal, per month. And that was supported by the agriculture industries which are willing to pay higher prices when market conditions permit it.

The PRIA formula has allowed the state of the public rangelands to steadily improve. Grazing is an important tool used to maintain and restore both plant and animal communities and allow range grasses to thrive.

I know that my words will not be heard well by many of my colleagues from the big urban areas, but I would like to say very simply that it is an extremely important issue to small rural communities throughout the American West. I want my colleagues to know and I want to make it clear that no money is lost by current public rangelands management practices, contrary to those claims by some who wish to raise the fees. We can certainly in this situation mandate an increase in fees, but we cannot collect them if we drive ranchers out of business. I think that would not be in keeping with what we want to do in this measure.

Mr. Chairman, I urge my colleagues to oppose the Synar amendment.

Mr. SYNAR. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. ATKINS], one of the co-sponsors of the amendment.

Mr. ATKINS. Mr. Chairman, I rise in support of the Synar amendment.

I think we ought to be very clear about what the Synar amendment does and what motivates this amendment. It simply deals with the question that has been raised here: Is the grazing fee structure a subsidy, a public taxpayer subsidy? The answer to that is, very clearly, yes. It is yes, first of all, because the revenues from the grazing fees from the use of this public resource are less, in this year less by \$60 million than the simple cost of maintaining the program.

In the Interior appropriations bill for last year, it cost \$60 million more just simply to monitor the permittees, to administer it, to do the programs that determine the quality of the grass—no environmental work, but simply the work of putting in wells and putting in fences, and so forth.

So taxpayers are paying \$60 million simply to allow people to graze cattle and sheep on public lands.

The second reason it is a subsidy is because this land and the value of being able to graze cattle or sheep on this land has indeed a market price. The market price on average in the country is \$9.22 per animal unit month, and we charge in the Federal Government only \$1.97 per animal unit month. This amendment simply says we should put all of the 1.6 million people in this country who raise cattle on the same footing and have them compete in the free market system and not subsidize a tiny percentage of those people, 26,000 of those people who are raising cattle, less than 2 percent of the total number, that we should not subsidize them.

The claim has been made that by doing this, by forcing these 25,000 people into the free market system, as all of the 98 percent of the other people who are raising cattle are, somehow this will be terribly unfair to very small individuals and small ranchers. But when we look at the total acreage that is involved in the Bureau of Land Management and in the Forest Service, the total acreage involved in these permittees, we find that 90 percent of that acreage is controlled by wealthy individuals, by hobby farmers, by corporations, by conglomerates and syndicates.

Who are we talking about? We are talking about companies like Union Oil, which controls thousands and thousands of acres. We are talking about Getty Oil and Texaco. Texaco is a corporation with over \$8 billion. They control a huge allotment of public lands. We are talking about Zenchiku Company, Ltd. from Montana and Japan, which controls 41,000 acres of United States tax-subsidized Federal rangeland. There are also wealthy individuals and real estate developers, like Mr. Daniel Russell of Santa Barbara, CA, who controls 5 million acres of public rangelands, according to Bureau of Land Management records. That is a land area larger than my State of Massachusetts. It is not some small rancher. This is 10 percent of that acreage, 10 percent of this program that legitimately is involved in small family ranching. So it is 10 percent of the acreage in a program that affects only 2 percent of the people in this country who are raising cattle.

□ 1720

For this privilege, we have lost \$650 million over the past 6 years because of this subsidy. This is a subsidy which is

unlike every other agricultural subsidy the Federal Government has. Because unlike other subsidies, which are either specifically targeted to small individuals and to family farms, this one goes 90 percent to the wealthiest individuals and corporations.

Mr. Chairman, I would hope that we could pass the Synar amendment and end this abuse of taxpayer money.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Montana [Mr. WILLIAMS].

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Montana.

The CHAIRMAN. The gentleman from Montana [Mr. WILLIAMS] is recognized for 3 minutes.

Mr. WILLIAMS. Mr. Chairman, I appreciate both gentlemen yielding this time to me.

Mr. Chairman, we can call it "pay as you go," or "administrative efficiencies," or "businesslike government," but I think it is "toll road government," when we begin to say, for the first time in half a century, that this little bit of Federal help that is given to either timber companies in the form of helping to build roads to harvest, or this little bit of help that is given to our cattle people for the purpose of grazing, or all the other bits of help, whether they are to our merchant marine seamen, to our fishermen and hunters, our tobacco people, or to our textile people, all of those have served this country well for more than half a century. They have in large part made the West bloom, kept food prices down, and made America's harvest the envy of the world.

Now, suddenly we are told apparently it did not work, and we have to go back to the old days in America of a toll road mentality, toll road Government, where the user pays. We are no longer going to have a central system that will help to make America flourish in its far corners.

The inconsistency on this issue, however, is really what bothers me. I see many, particularly our friends on this side, who wonder how it is this idea of raising the grazing fees ever came to fruition.

Well, it was in the Grace Commission report, which so many, particularly on this side, supported 10 years ago. The Grace Commission, which was endorsed by former President Reagan, says this:

Grazing fees should be increased. It appears that this program could, if the right changes are made, be a break-even situation, and, after that point the Government could concentrate its efforts on developing an actual return for this valuable grazing asset. The Government could sell this land to private owners.

Mr. Chairman, there is the dilemma. The chickens have come home to graze. The Grace Commission report is now on the floor of this House as an amendment, and many who thought that the Grace Commission ideas were good,

many who liked the toll road mentality brought to us by the Reagan administration, are, thankfully, finally having second thoughts. The problem is some of my friends on this side have now begun mistakenly to embrace it.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Arizona [Mr. KOLBE].

Mr. KOLBE. Mr. Chairman, I rise in strong opposition to the Synar amendment to the fiscal year 1992 Interior appropriations bill.

Is it any wonder that the public has lost faith in the ability of their elected officials to lead this country? Whether it is pulling us out of an economic slump or establishing a needed program, or setting an example of integrity and ethical behavior, the public no longer believes we can get the job done. Now here we are again considering raising grazing fees 400 percent and showing that the public's mistrust and dismay appear to be well placed.

The issue of grazing fees is complex and warrants full consideration by the House committee with jurisdiction over this subject. Yet, that committee has not passed the amendment before us today. So why is this amendment being considered on an appropriations bill after it failed to pass out of the committee with direct responsibility over this issue? And how can the public trust Congress when it violates its own rules any time it wants.

Worse than the procedural sleight of hand that this amendment represents, the grazing fees amendment would increase fees by a whopping 400 percent. If you listen carefully you can hear the sound of the family ranching businesses in my State and through the West going out of business. You can hear these small family ranchers, most of whom earn \$28,000 per year or less for a family of four, boarding up their homes and packing up their belongings. And there will be many people packing. In Arizona alone, the cattle industry accounts for almost 5,000 jobs. You can also hear the sound of deflating local and State economies. In Arizona, the cattle industry accounts for \$44 million of personal income, 23 percent of the State's entire agricultural output, \$500 million in cattle production revenue, and provides over \$300 million annually to the State's economy.

Then there is the impact on the Federal Treasury. In fact, according to the BLM estimates, if public lands grazing ended tomorrow, the range program budget could increase as much as 50 percent. And finally, even the environment stands to lose if this amendment passes. Controlled grazing promotes plant diversity, aerates soil, diminishes fire risk, improves riparian conditions, and enhances watersheds. Ranchers are good stewards of the public land because they have a vital self-interest in protecting the land upon which their livelihood depends. Unlike the rec-

reational user, for example, the rancher's economic survival depends on the condition of the lands. It comes as no surprise, then, that the BLM found that "public rangelands are in a better condition than at any time in this century."

Not only is the current grazing fee good public policy, it is equitable, too. Ranchers pay a fair price to graze on public lands. The current practice of levying grazing fees is fairly based on prevailing market conditions. In fact, the fee has recently risen considerably, almost 46 percent in the past 4 years due to increased market variables.

The current fee was determined using a formula devised by this body—a formula supported by the Carter, Reagan, and now Bush administrations—and a formula that has withstood challenge in Federal court.

Proponents of this amendment compare Federal and private lease rates as though they were similar. This just simply is not the case. Most Federal rangeland is not lush meadows, but sparse desert or mountainous terrain. Federal permittees bear additional costs of transportation, herding, and predator and death losses. In addition, these permittees must pay for and upkeep water systems development on public lands that benefit grazing livestock as well as wildlife. Further, the Federal permittee has the right to the grass only, yet must pay for all maintenance and improvements. When these costs are tolled, the differences between Federal and private lease rates, not surprisingly, disappear. Or, in many cases, final costs to Federal permittees surpass private lease rates. Perhaps this is why over 20 percent of public grazing permits and allotments remain unused.

Mr. Chairman, now is not the time to address the substantive merits of this amendment. The House National Parks and Public Lands Subcommittee has separately considered measures on this issue a number of times during the past few years. On no occasion have any of these measures passed out of that subcommittee—the very subcommittee charged with oversight of this matter.

Doesn't that tell us all something? Yes, it tells us about the relative merits of the legislation. It also tells me that the Synar amendment is unfair, unwarranted, and ill conceived. I urge my colleagues to defeat it soundly and send a message to the public that they can trust us to at least follow our own rules.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Montana [Mr. MARLENEE].

Mr. MARLENEE. Mr. Chairman, what this amendment does is strike out the medium and small operators on public land. It favors huge operators who can spread their costs over vast areas of private and public land. What this amendment does is strike out the



opportunity to harvest a renewable resource.

Mr. Chairman, as ranking member of the subcommittee with exclusive legislative jurisdiction over grazing fees, I rise in vehement opposition to the Synar amendment which is legislation on an appropriations bill and makes an end run around the authorizing committee.

On March 12 of this year the Subcommittee on National Parks and Public Lands held an exhaustive hearing on three bills dealing with grazing fees—including the bills introduced by Mr. SYNAR and Mr. DARDEN. Proponents of changing the PRIA formula have had over 3 months to schedule a markup and report a bill out of my subcommittee and the full Interior Committee as a freestanding measure.

In addition, they also had an opportunity 1 month ago to offer an amendment to the BLM reauthorization bill to increase grazing fees at both the subcommittee and full committee level. Mr. DARDEN, who is an able and active member of the National Parks and Public Lands Subcommittee, chose not to do so at that time.

The reason that proponents of higher grazing fees are making this sneak attack and end run around the authorizing committee is quite simple. They did not have the votes on either the subcommittee or full committee to get their proposal passed.

The reason is simple. We do have some people on those committees on both sides of the aisle who understand the issue.

It is interesting to note that although the House Interior Committee is one of the most partisan and polarized committees in the entire Congress, a rare bipartisan consensus has been formed in support of the PRIA grazing formula. After hours of testimony from witnesses on all sides of this issue, a bipartisan majority of committee members have determined that the existing fee structure best serves all parties involved.

I urge my colleagues not to legislate willy-nilly on an appropriations bill but defer this decision to the authorizing committee which has conducted hours of hearings on the issue and is best able to make the most prudent decision.

The Synar amendment, which helps achieve the radical environmental agenda of "livestock free by '93" must be defeated.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from South Dakota [Mr. JOHNSON].

Mr. JOHNSON of South Dakota. Mr. Chairman, I rise in opposition to the Synar amendment. I think all Members here share the same goal, and that is to arrive at a level playing field for producers of livestock, whether on public lands or private. The question is, How do we arrive at that goal, how do we

find that kind of fine balance in a very complex circumstance.

Mr. Chairman, we can legislate on an appropriations bill, as is proposed here, a proposal which would take the existing bill which already raises the grazing fee from \$1.97 per animal unit/month, to \$2.62, and instead raises it from \$1.97 to \$4.35, and ultimately to \$8.70, a 400-percent increase, and abolishes the grazing advisory boards, the panels of private citizens, who advise the BLM on the use of fee receipts.

We can go about it that way. Or, we can have this very difficult and complex legislation considered by the committee of authorization, the House Committee on Interior, which it ought to be noted is as oriented toward consumer and environmental concerns as any committee that can be found in the Congress.

□ 1730

It would seem to me that we ought to be addressing very aggressively the question of fairness in grazing fees. I do not think the status quo is necessarily where we ought to be, but I think that rather than coming down here on the floor and engaging in this kind of radical changes, proposed radical changes in the grazing fee, that we ought to be more deliberate. We ought to be addressing this issue, I think, in a more comprehensive, more deliberate manner.

So I opposed the Synar amendment with the goal that this entire matter be taken up by the Committee on Interior and Insular Affairs, by the authorization committee where a full debate and a give and take that really is needed for this issue to be resolved properly can take place.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from North Dakota [Mr. DORGAN].

Mr. DORGAN of North Dakota. Mr. Chairman, I expect that any of us who had already absorbed rent increases of 46 percent since 1987 would consider it heavy handed if the landlord said our rent is now to be quadrupled in the next 4 years. Such increases would seem especially arbitrary and capricious if the landlord gave no good reason for the increases.

This is precisely the situation in which most of our ranchers who rent public lands find themselves today as we consider an ill-begotten amendment to hike rental rates by about 340 percent.

The ranchers who rent Bureau of Land Management rangeland in North Dakota are paying rent 46 percent higher than they did in 1987. This rental rate is set by a formula created by Congress in 1978 with bipartisan support. It was supported by the Carter administration, and extended by Executive order of the Reagan administration.

The formula may not be perfect but it is a good formula from the perspec-

tive of the landlord, which in this case is the U.S. Government. The formula makes the rent increase, for example, when livestock market prices increase. Those market prices have been strong in recent years, so the rent has increased.

And, our ranchers have not fought those increases. They struck a deal on a rent formula and they are living with the increases. Our ranchers do not have Government programs to guarantee them a price or supplement their income when market prices are low. They do not ask for such protection from the Government. All they ask us for is a fair deal, and that is what we tried to provide here when we established the grazing fee formula.

Just a word about what has been happening in North Dakota while the rent on BLM land rose 46 percent and the rent on the national grasslands, managed by the U.S. Forest Service, shot up by 145 percent. In these same years, beginning in 1988, most of my State has been in an extended and severe drought.

The long drought scorched the rangeland. It burned the grass off the land. It unleashed clouds of grasshoppers that are what little the drought did not destroy. It drained the small lakes, ponds, and other livestock water sources. It forced the water table down, leaving thousands of wells dry.

Let me tell you that the value of grazing land under these conditions does not increase. You don't have to be a real estate expert to understand that. When the land produces little or no grass and the water sources dry up, the value for grazing purposes evaporates.

But, our ranchers were paying rent increases through those drought years. And now a few members propose to push the rental rates up much farther, far beyond our ranchers' ability to pay.

This amendment is an extremely unwise move for the Federal Government that its author could not sell to the committee of jurisdiction. The proponents say these rent increases will increase income to the U.S. Treasury and improve conditions of public rangeland, but it will do just the opposite in both cases.

If you took a 46-percent hit on rent in 4 years, and then got a notice for another 340 percent, you would probably decide the rent is more than you can afford and you would give up your tenancy. That is exactly what ranchers in the West will do in nearly all cases if this outrageous increase is imposed. The public rangelands will be abandoned. Not only will the Government lose its rental income from millions of acres of rangeland, but the Government will be left to do the necessary maintenance on the land.

The ranchers who fenced both domestic animals and wildlife away from highway right-of-ways, the ranchers who provided water sources for both

cattle and wildlife, the ranches who reseeded grasses after drought or weed infestations ruined the grass stands, will be gone and the Government will have to take over those costs. This amendment is a detriment to ranchers, taxpayers, and our natural resources in the West, and I hope we will soundly defeat it.

Mr. SYNAR. Mr. Chairman, I yield myself 30 seconds.

I just might point out in 1980 the grazing fee was \$2.41 on Forest Service. It went down in 1981 to \$2.31; \$1.86 in 1982. In 1983 to \$1.40, down to \$1.37 and down to \$1.35 in 1985.

That is the same it did in BLM and other places. So it has been going down.

So that 46-percent increase is not really relative.

Second, in North Dakota, where the gentleman who just spoke is from, the average AUM rate is \$5 to \$10, which is five times what we are presently charging. So I think that shows the perspective we are dealing with here.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Utah [Mr. HANSEN].

Mr. HANSEN. Mr. Chairman, at the opening of this debate we heard the comment that this entire debate is about fairness. I wonder where we find fairness when we are going to destroy the western cattle business. I wonder where we might find fairness when we are going to cost the Government money, and I wonder where we find fairness where we possibly would destroy the environment in these particular areas.

We talk about who is going to benefit from this, and I have great respect for the gentleman from Massachusetts who talks about the big companies. However, I would like to point out to him that 87 percent of these cattlemen make under \$28,000 a year.

What did these guys say to you? My colleagues ought to go down to southern Utah, Arizona, or Colorado and some of those areas, and they look you in the eye and they say, "I am a fifth-generation cattleman." He said, "I have been on this ranch all this time. I have taken good care of it and now why is it these people want to put me out of business?"

They have a very marginal, marginal business. It is not like the East, believe me. We had sometimes 20 acres per cow compared to you folks that have put 100 acres on a square foot, it seems to me, when I look at your areas.

Where is the great savings we are talking about? When Cy Jamison, the Director of BLM, comes before the Interior Committee and he makes his statement, he says that we are going to lose money on this.

Now what about the environmental side of it? Let us be honest about this thing. Multiple use has worked for a long, long, long time. In multiple use,

we pay for the cows on the range. That is true, but what about the other people. If we are going to be totally honest about this, take those who backpack, take those who fish, those who hunt, those who camp, we all should pay for the public ground.

So I say to my colleagues, if this debate is about fairness, we are barking up the wrong tree. I do not see any fairness in killing a good little industry, in ruining the environment and losing the Government money.

For many of you who think that this is a free environmental vote, let me tell you what the consequences would be if this measure were to be passed into law. If grazing fees were raised from \$1.97 per AUM to over \$8.70 per AUM the effect would be devastating; 30,000 small family farms would be put out of business. Many argue that rich western ranchers are profiting from subsidies from the Federal Government. The truth, according to the BLM, is that 87 percent of ranchers who graze public lands are considered small, family farmers. In fact, statistics show that the average ranch family earns less than \$28,000 and many earn less than that. By voting for this measure you are voting to put a vital industry out of business. The loss of the livestock industry would threaten the existence of schools, businesses, and public services.

I am deeply concerned about rhetoric that would have you believe that there is an enormous amount of savings to be achieved by this measure. Where is the savings? In March of this year, Cy Jamison, Director of the BLM appeared before the Interior Committee. He estimated that revenues from BLM land grazing would plummet from \$18 million per year to not more than \$1 million per year if this measure was adopted. The proposed fee increase would price all livestock off the Federal lands resulting in a loss of grazing fee revenue. A loss of \$17 million does not constitute much savings.

I ask you to take a look at the environmental effect that grazing on the public lands has had. According to the BLM, today the public ranges of this Nation are in the best condition that they have been in this century. Ranchers have worked hard to be a part of this. Farmers and ranchers are the true environmentalists. It is in their own self-interest to improve the land. Grazing promotes plant vitality, increases wildlife, and overall benefits management of the public lands.

On the other hand, the loss of livestock from the public lands would have a detrimental effect on the environment of the range. Without grazing the grasses of the range will create a fire hazard that will make the fires of Yellowstone look tame. Livestock producers have built tens of thousands of watering sites, roads, and fences. They have also utilized erosion control methods and improved western watersheds that have helped increase the big game populations dramatically. This will all be lost.

In "State of the Public Rangelands 1990," the BLM states that public rangelands are in better condition now than at any time in this century, and continue to improve. I have been with countless land management experts who have told me time and time again of the bene-

fits of controlled grazing to promote plant vigor and diversity.

Before voting, all I ask is that you examine the real effects of this vote.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. MILLER], chairman of the Committee on Interior and Insular Affairs.

Mr. MILLER of California. Mr. Chairman, the amendment of the gentleman from Oklahoma is the right thing to do and this House should overwhelmingly and enthusiastically support it.

The theory of multiple use of the public lands cannot be made real when one use is heavily subsidized to the detriment of others. It is not real when one group of privileged users is afforded an extraordinary means of officially sanctioned control over Federal revenues and Federal land management decisions. Yet that is exactly what has been happening on the public rangelands of the American West for many years.

I personally do not know precisely what a fair grazing fee should be. But I do know that the gentleman from Oklahoma has made an absolutely persuasive case that the current fee formula cannot be justified for any reason other than to keep fees as low as possible.

The recent analysis of the General Accounting Office devastates any intellectual underpinnings of the current fee formula. Ranchers' ability to pay is at least double-counted. Factors highly favorable to ranchers are included and then computed in a way to maximize their impact while less favorable factors are left out of the calculation.

So when you hear public land ranchers defending this formula as fair, what they are really saying is that this formula gives them the best possible deal and they want to keep it.

The formula is not fair if you are a taxpayer trying to get a decent return for the use of a public resource. The formula is not fair if you believe that the grazing program should at least cover its costs. The formula is not fair if you believe that other range resources, such as wildlife and riparian habitat, matter, too. The GAO report is crystal clear on that point.

This year, Mr. SYNAR's amendment goes on to address two other closely linked aspects of the very sweet grazing fee deal.

Each year, 50 percent or about \$10 million of the revenues generated by the fees go to a Federal fund for wildlife, watershed management, and grazing-related range improvements. The management of this fund is nothing short of a scandal.

BLM can't even account for more than half of this money. From what can be documented, it appears that more than 96 percent of it has gone to build exactly the kind of range improvements—fences, stockpounds, and



the like—that public land ranchers complain are not provided by the Federal Government and form a basis for the abnormally low Federal grazing fee. A piddling 3.5 percent of the accountable funds were spent for the other multiple uses of the range.

Mr. SYNAR's amendment will direct this money toward the fish, wildlife, and riparian habitat needs of the range—needs that my committee, Mr. YATES' subcommittee and even the BLM will readily agree are not even close to being met. At a time when it is apparent that last year's budget agreement dims all hope of funding even the existing neglected statutory responsibilities of Federal land managers, I cannot imagine why Congress would not make this obvious and wise reform.

How is it that current spending can be so distorted? It's simple.

The ranchers who pay these low fees tell BLM how to spend the money they generate. The organs for doing this are the grazing advisory boards which are made up solely of public land ranchers. Congress terminated the advisory boards in 1986 but they have continued to function under the authority of an executive order.

Presumably, these boards are only advisory but in actual fact, BLM does precisely what they are told to do by the boards. Often, the projects funded on the advice of the boards go to benefit board members and their friends and associates. And often, the boards advise BLM on public land management matters over which they have no authority whatsoever. In fact, some grazing advisory boards have taken it upon themselves to advise the Congress not only on matters such as grazing fee legislation but also on matters completely beyond their scope like oil and gas development of the Arctic National Wildlife Refuge.

Mr. Chairman, I am not arguing that public land ranchers should not have their say in matters that affect them. But Mr. SYNAR's amendment will not deny them their say. They will still have a place on the Multiple-Use Advisory Boards that Congress has set up by law. Then they will enjoy the appropriate status as one of many legitimate and competing users of the public range instead of a privileged and dominant elite enjoying special influence and control over the public's resources.

The House now has before it an historic opportunity to right several wrongs that have plagued the public lands of the American West for many years. I urge my colleagues to do the right thing and support this amendment.

Mr. SKEEN. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. STUMP].

Mr. STUMP. Mr. Chairman, I rise in strong opposition to the Synar amendment.

Mr. Chairman, "grazing" is not a dirty word. Unfortunately, the desperate attempt to rush through a fourfold increase in grazing fees on public lands by attaching the provision to an appropriations bill, rather than going through regular legislative channels, gives the impression that grazing has run amok and ruined our public lands.

Appreciate the opportunity to set the record straight.

"Grazing" is not a dirty word. The ranching industry has a proud legacy throughout the West and in Arizona. In Arizona's Third District, some 350,000 head of cattle graze on public lands, generating nearly \$200 million for the State economy.

The vast majority of the grazing permittees in our State are small family operators. At no cost to the American taxpayer, the permittees have contributed to the conservation of our natural resources and the management of our public lands by helping to reduce illegal activities, theft and vandalism, reduce the cost of fire suppression and encourage healthy wildlife populations through the construction and maintenance of water catchments.

The permittees contribute to a healthy economy by adding millions of dollars to the State and local tax base, and providing employment in their own and related industries. The importance of a viable ranching industry cannot be understated, especially in the small rural communities in our State.

In Arizona, land patterns frequently intermingle Federal lands with State trust lands and private lands. Any increase in grazing fees on the Federal lands will have a direct related impact on grazing on adjacent and intermingled State lands.

If permittees are priced off public lands, the American taxpayer will have to pick up where the ranchers leave off. The tax base will be lost, agribusiness loan defaults will escalate, crippling the State economy, unemployment will increase and the economic base for rural communities will be devastated. Additionally, more Federal dollars will be required for range and public lands management.

I challenge my colleagues to identify any industry in our Nation that can absorb a fourfold increase in operating costs and continue to be viable. If we do not expect other business to absorb such costs, why should we be led to believe that ranchers could absorb increased grazing fees?

The present grazing fee formula was worked out after many years of debate and negotiations involving agriculture, environmental groups, Congress and the executive branch. It is a fair formula which adjusts grazing fees up or down according to livestock prices, forage values, and production costs. It is an equitable formula to all concerned, and has worked well for government, agriculture, the environment, and consumers.

Mr. Chairman, I have seen first hand the benefits to our State of grazing on public lands, and urge my colleagues to oppose the grazing fee increase.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Wyoming [Mr. THOMAS].

Mr. THOMAS of Wyoming. Mr. Chairman, I thank the gentleman for yielding time to me.

I guess we have about grazed this issue fairly clean. About all that needs to be said has been said. Let me just review a couple of the grazing leases as compared to the private leases. That is not a comparison, and anyone that is taking a look at it knows that is the case.

We have talked about large corporations using most of the public land. That is not the case, certainly in my State of Wyoming. We talked about the cost to taxpayers. We have had hearings where it has been indicated that if there was no grazing at all, the cost would be half, at least with no income the taxpayers would pick all of that up.

Let me just say that if my colleagues like multiple use, if they have the notion that public resources ought to be used for more than one reason, then grazing has been good for wildlife.

□ 1740

Grazing has helped the range. Hunters have much more of an opportunity now than they did before this was used.

We have simply got to stop this annual dance of insecurity for public land users. They will not make investments in water. They will not make investments in fencing. They will not make investments in the range as long as each year they do not know where they will be.

I oppose the amendment strongly.

Mr. SYNAR. Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. VENTO], the chairman of the subcommittee.

Mr. VENTO. Mr. Chairman, I rise in strong support of the Synar-Darden amendment. I want to commend the gentlemen and the gentleman from Massachusetts [Mr. ATKINS] for offering this amendment.

Everybody argues about the process. Well, the process here has been really one since the passage of FLPMA in 1976. In 1976, they held, that is, those that did not favor an overhaul and reform of the grazing fees, held the Federal Land Management Practices Act hostage until they were able to exclude it from that particular act in 1976.

What it has been since 1976 is avoidance of the issue, avoidance of the issue in favor of, of course, maintaining a lower cost grazing fee.

I cannot blame my colleagues from the West for that. They have been very talented in their efforts to deal with and to provide benefits to their constituents that have these grazing permits, but the fact of the matter is the end result is that very often because of the types of management practices that are used, improved from 1930, but then I think they should have been improved from what was really an outrage and really significant damage to the range, but there needs to be more improvement, and there needs to be a fair basis in terms of assessing costs.

I might say that we had hearings in the 100th Congress, hearings in the

101st Congress, and we have had hearings this year, and the fact of the matter is that issue is not going to be addressed under the context of what has been going on in the past.

Mr. REGULA. Mr. Chairman, will the gentleman yield?

Mr. VENTO. I am happy to yield to the gentleman from Ohio.

Mr. REGULA. Mr. Chairman, what I do not understand is why the authorizing committee opposed our 30 percent increase that we put into the bill originally. It seems like a reasonable amount, and yet the authorizing committee objected before rules on the basis that this was legislating on an appropriation, but it was a way of addressing the problem.

Mr. VENTO. Reclaiming my time, I do not favor necessarily in terms of legislating on appropriation measures. The fact of the matter is that this measure is here, and I think the Members ought to vote on the merits of it. They ought to vote for this amendment. I hope that then we will be able to work out the issue and address the issue in a comprehensive manner.

Mr. Chairman, I rise in support of this amendment.

This is the second consecutive year in which this issue has arisen in connection with the Interior appropriations bill. As I said last year, I would have preferred that debate about grazing fees and range management occur in connection with an authorization bill, instead of this appropriations measure, because this amendment, if it is adopted, obviously will constitute legislation in an appropriations measure, contrary to the normal rules of the House.

The subject of this amendment is a matter within the jurisdiction of the Interior Committee, and in fact our committee has ordered reported a bill to which this amendment would be germane. That is H.R. 1096, a bill I introduced to reauthorize appropriations for the Bureau of Land Management. The committee intends to seek an open rule for that bill, so that this amendment or any other germane amendment could be offered to it. That would allow the House to work its will on this important aspect of public lands management.

However, Mr. Chairman, since by adopting the rule the House has decided to make it in order to consider this amendment to raise grazing fees, I do support it and urge its adoption.

Mr. Chairman, the question of grazing fees is far from a new subject. The Forest Service has been charging fees for grazing on national forest lands since 1906. Fees for grazing on public lands now managed by the Bureau of Land Management date from enactment of the Taylor Grazing Act in 1934. There never has been complete agreement about how these fees should be set.

At least since the late 1950's some have argued that the Government should attempt to realize the fair market value of the forage consumed by grazing on Federal lands. And in fact fees are set that way now in certain places.

Debates over grazing fees threatened to prevent the enactment of the Federal Land

Policy and Management Act of 1976. As a compromise, section 401 of that act called for a joint study of the issue by the Agriculture and Interior Departments, and froze grazing fees for the 1977 grazing year pending that study.

After the study was completed, a further moratorium on changes was imposed by Public Law 95-321, signed by President Carter in July 1978. That was followed by enactment of the Public Rangelands Improvements Act in October 1978.

The Public Rangelands Improvement Act, or PRIA, established a formula for setting grazing fees, to be used during a 7-year trial period. It also mandated a further study and a report to Congress, with recommendations for future grazing fees, by December 31, 1985.

The expectation was that the 99th Congress then would act on this subject.

The study was done and the report was submitted, but the Reagan administration did not make any recommendations about how grazing fees should be established once the PRIA formula expired.

Despite extensive discussions involving members of the Interior Committee and also Members of the other body, the 99th Congress did not complete action on grazing fees, and the PRIA fee formula expired with no legislation in place to govern grazing fees in 1986 and subsequent years.

After the expiration of the PRIA formula, President Reagan, in February 1986, issued an Executive order which called for continued use of that formula, with a floor fee of \$1.35 per animal unit month, which was the fee at that time. That Executive order is still in effect.

In both the last Congress and this one, the gentleman from Georgia [Mr. DARDEN] introduced a bill to replace the Reagan Executive order with a new statutory basis for setting grazing fees. Other bills on this subject have also been introduced this year by the gentleman from Oklahoma [Mr. SYNAR] and the gentleman from Colorado [Mr. CAMPBELL]. All of these were referred to the Subcommittee on National Parks and Public Lands, and in March we held a hearing on them, as we held more extensive hearings on similar bills in previous Congresses.

The Darden bill is based squarely on the 1986 report from the Interior and Agriculture Departments. It would put into effect one of the alternatives—known as the “modified market value fee system”—identified in that report. The Synar amendment now before us would adopt that method of setting the minimum fee for 1995 and subsequent years. For 1992 through 1994, the Synar amendment would phase in BLM's current fee for trespass grazing.

The issue of grazing fees is so divisive within the Interior Committee that the committee would be unlikely to report any bill dealing with those fees that would represent any type of committee consensus or agreement.

Under these circumstances, Mr. Chairman, I think it appropriate for the House to have an opportunity to respond on this subject, preferably in connection with an authorization measure but if necessary in the context of this bill.

On the merits of the amendment, I am convinced that the present formula for setting grazing fees is fatally flawed.

It inevitably results in keeping fees at levels that do not enable the land-managing agencies even to recover the costs of managing the range.

It keeps grazing fees lower than the prices private parties are able to obtain, through the open market, for forage.

It has resulted in fees that are far below what many States or other governmental bodies receive for grazing on their lands—lands which in many cases are indistinguishable in character and quality from the Federal lands with which they are intermixed.

As the General Accounting Office has noted in a recent report, the present fee formula begins with an intentionally very low base. That base is then adjusted in ways that double count factors related to ranchers' costs and that so magnify those factors that they dominate the outcome of calculations under the formula.

The result of this is to artificially depress the fees, as shown by GAO's calculation that in constant dollars the current Federal grazing fee has decreased by 15 percent over the last 10 years while private grazing prices have increased by 17 percent.

The current formula should have been allowed to die at the end of 1985, as originally provided by PRIA, and Congress should have enacted a formula producing fees more equitable as compared with prices paid for grazing on other lands, and more fair to the taxpayers who are the owners of the public lands.

Unfortunately, by issuing his Executive order on Valentine's Day, February 14, 1989, President Reagan gave artificial respiration to the formula, and allowed it to outlive its time.

Certainly, the time has come to give it a decent burial and to replace it with something better, as this amendment would do.

As has been mentioned, the amendment between now and fiscal 1995 would phase in minimum fees based on the fees the Bureau of Land Management now charges in cases of trespass grazing; and for fiscal years after 1995 it would set fees based on the modified market formula identified by the Agriculture and Interior Departments, in the “Grazing Fee Review and Evaluation” report of February 1986.

Of course, this is not the only possible way to replace the current fee formula with a better one. The recent report by the General Accounting Office identifies several other alternatives, any one of which would be better than the present formula as embodied in President Reagan's 1986 Executive order. But this amendment is certainly far better than the current formula.

Furthermore, the amendment would make some other desirable changes in the current situation. It would abolish the grazing advisory boards, and transfer their functions to the existing multiple-use advisory councils provided for by the Federal Land Policy and Management Act of 1976, or FLPMA, which is BLM's Organic Act.

The grazing advisory boards were first established to assist with the implementation of the Taylor Grazing Act shortly after its enactment in 1934. FLPMA provided for them to continue in existence until December 31, 1985, when they were to end along with the PRIA fee formula. However, again the execu-



tive branch took it upon itself to thwart congressional intent, this time by issuance of secretarial orders continuing the boards.

Unlike the multiple-use advisory councils mandated by law, these grazing boards represent only one user group, namely grazers. They have been the embodiment of political influence that this user group has too often been able to exert over decisions about public rangeland management.

Furthermore, these boards have been provided with funding derived from a share of the very grazing fees that their members pay. Ostensibly, these are to be used for bettering range conditions—to the benefit of the grazers, among others—but in fact at least some of these funds have gone for other purposes, including lobbying Congress about grazing fees. Yes, some of the money the grazers pay the Government for the taxpayers' forage goes to lobby us to keep down the price.

As if that weren't bad enough, under current law the part of the grazing fee receipts that the national Government keeps is earmarked for funding range improvements—that is, things like fencing or stock-watering ponds that are for the direct benefit primarily of the grazers.

The amendment now before us would broaden the purposes for which these receipts could be used, to include restoration and enhancement of fish and wildlife habitat, for restoration and improved management of riparian areas, and for better grazing management through implementation of applicable land management plans and such activities as range monitoring and enforcement of grazing allotment requirements.

All of these are areas in which there is a demonstrated need for increases in agency resources, and where investments can and should be made for the benefit of all parties, including grazers. For example, better management of riparian areas often means increases in grazable forage, as well as in fish and wildlife resources, water quantity and quality, and environmental values.

These changes are just as important as the changes in the fees, and they are important reasons for supporting this amendment.

Mr. Chairman, there are serious problems on the range and in the management of the public lands generally. The GAO and others have documented these problems repeatedly. Inadequate funding and personnel has hampered the BLM in particular, and the Forest Service as well, in their efforts to solve these problems.

The Interior Committee has repeatedly urged improvements in both applicable laws and in the resources available to the BLM and the Forest Service for range management.

To their credit, the Appropriations Committee has worked hard to provide the needed resources. But in this area, as in so many others, the realities of the budget have put serious limits on what can be made available.

As a result, this appropriation bill does not include all the funds that are really needed for proper management of the public lands and for improvement of the riparian areas and other sensitive parts of those lands. Both an increase in grazing fees and the other changes that this amendment would make are

essential if we are to have any chance to make such improvements.

In my opinion, the best way to make a decision about this matter would be for the House to act in the context of H.R. 1096, the BLM Reauthorization Act which has been reported by the Interior Committee and then, if necessary, for our committee to go into conference with Members of the other body to attempt to resolve not only these questions but a variety of other important issues related to management of the public lands, like those addressed in the BLM reauthorization bill.

But in any event it is imperative that the grazing fee formula be changed, that the special status of the grazing advisory boards be ended, and that the uses of grazing fee receipts be broadened.

This amendment would make those changes, and so I support it and I urge its approval.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Arizona [Mr. KYL].

Mr. KYL. Mr. Chairman, I rise in opposition to the Synar grazing fee amendment.

Under the guise of raising grazing fees to market rates, the amendment will really have just one result: It will drive grazing off of public lands altogether because the rates will be raised so high that they will neither be realistic in the marketplace, nor affordable.

If this House is going to make such a significant change in multiple-use policy, then the people who are most affected should at least be given the opportunity to make their case in the appropriate committee, the Interior Committee. This amendment is nothing more than an end-run of the process that denies people—people who stand to lose their livelihoods—a fair and full opportunity to make their case.

Mr. Chairman, the fact is, cattlemen make a valuable contribution to the stewardship of public lands. Wildlife populations are positively impacted when they construct and maintain water developments. Land management agencies would be hard pressed to provide such improvements for wildlife on their own.

People in the cattle industry are hard-working and productive members of our community, adding over \$95 million in gross income to the economy of my congressional district in Arizona alone. They pay their fair share of taxes. They are not looking for a hand-out.

Moreover, if public lands are put off-limits to grazing—as will surely happen if the language of this amendment is enacted—we should not kid ourselves that we will be saving taxpayers money. We will cost the Treasury money because ranchers will neither be paying grazing fees nor taxes when they are put out of business.

I urge my colleagues to reject this end-run of the process. Let the people have the chance to make their case to the Interior Committee. Don't put

them out of business without at least giving them a fair chance.

Mr. SKEEN. Mr. Chairman, I yield 30 seconds to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I do not agree with either side here, there are those who think there should be zero-increase, those who in the Synar amendment want 400-percent increase.

I think the subcommittee had a reasonable beginning of 30 percent, and that, along with the 46 percent already in effect, makes sense.

I would hope that in the conference we can come out with a reasonable number that will allow the cattle industry to be treated fairly, but also the Government. I think the 30 percent was a fair amount as a beginning but the authorizing committee objected to it in the Committee on Rules and turned around and did not object to a 400-percent increase. To me that is not a fair amount either.

Mr. SYNAR. Mr. Chairman, I yield 30 seconds to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, I would like to say to my good friend, the gentleman from Ohio, that I think his point is well taken. I want to thank him for his support for this same amendment last year and would respectfully ask that he continue to support us this year.

Mr. REGULA. If the gentleman will yield, I supported Synar last year in an effort to get the issue of grazing fees to conference. However this year the subcommittee provided a 30-percent increase in our bill which is a reasonable amount.

I cannot support a 400-percent increase when we had what was correct, and that was 30 percent. I would hope in conference we can moderate whatever is done to reach a fair number of 30 percent.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from Idaho [Mr. LAROCO].

Mr. LAROCO. Mr. Chairman, when I came to this body, like most Members here, I saw committees that were germane to the areas that I represent.

My district in the State of Idaho is owned 66 percent by the Federal Government, so we have a lot of land management problems. We interface every day with the land management agencies in this country, and I wanted to come to this body, and I wanted to work on the forestry issues, the water issues, the grazing issues, the nuclear waste issues, and, yes, on the spotted owl and the endangered species issues and the salmon issue that is facing us right now.

I am working hard on these issues. I want to work hard in committee. I have not been given a chance to work on this grazing fee issue.

My former boss, Senator Frank Church, helped put together the Public

Rangelands Improvement Act back in the 1970's. Why did they do that at that time? Why did they forge a coalition of conservationists and ranchers? Because they needed to improve the deteriorating rangeland situation.

It has not been proven in any of the debate that we have heard at this time on the floor in the well of this House that the rangelands in the United States are deteriorating. So that the program that we set into place in the late 1970's is, indeed, working, and nobody has made that point, that PRIA, as it is now known, is working, and that it is a market-oriented price structure.

I now hear on the floor of this House, yesterday during the rule debate, and today, when you go to the debate tab, you pull out the big-oil argument. I cannot believe it, and I say to my colleagues on this side of the aisle that if you want to take a shot at big oil, you are going to take a shot at my neighbors in Idaho, and I can tell you that the only stock that they have is not traded on the New York Stock Exchange. It is what they raise on the public lands of Idaho in a very responsible way.

I would say reject the Synar amendment, which is a meat-ax approach. Let us go back to the committee where it belongs. Let us discuss this in open debate.

I would say that if we really want to take meaty matters to the floor of the House, let us take the Endangered Species Act, as much as this really impacts the people of Idaho. I say let us vote no on the Synar amendment. Let us bring common sense to this formula.

Mr. Chairman, like many Members in this body, one of the first things I did as a new Member was to gain seats on committees relevant to the special concerns of my district. I was fortunate to be elected to the Interior Committee. The Interior Committee plays an important role in my State of Idaho, where 66 percent of the State is owned by the Federal Government. Two out of every three acres is under Federal control.

Federal land grazing is a vital part of the economy of Idaho and the West. Nearly 90 percent of the beef cows raised in Idaho spend at least part of the year on Federal land. Livestock represents a \$570 million industry to Idaho and a \$9.2 billion industry for the 13 Western States. As a matter of fact, until last year, cattle pumped more money into Idaho's economy than its most famous product, potatoes.

Currently, there are a number of bills before the Interior Committee addressing the management of our Federal rangelands and the fee structure charged to grazers. The committee is in the process of sorting through this legislation and arriving at the best solution that balances protection of our rangelands with the need to provide economic stability for our rural communities.

One of the commonsense solutions being considered would codify the Public Rangelands Improvement Act, or PRIA. This legisla-

tion was originally proposed by my mentor, the late Senator Frank Church and ultimately signed into law. In creating a practical solution that addressed the problem of deteriorating rangelands, Senator Church and the Congress relied on the best tool of all, common sense. In fact, PRIA was such a good solution that it enjoyed the support of groups as diverse as the Wyoming Sierra Club and Wilderness Society, in addition to the Farm Bureau and the National Cattlemen. The truth is PRIA works and has been working for the past 13 years for two reasons:

First, the PRIA formula is market oriented. It creates a fair market value for livestock grazing on public lands that is variable on a yearly basis according to production costs, market prices, and private land lease rates. Thus, when beef prices are high and ranchers can afford to pay higher fees, the fee increases. It offers cattle and sheep grazers, and the rural communities that depend on them, economic stability.

Second, PRIA has accomplished exactly what it was designed to do when it was created in 1978. The Public Rangelands Improvement Act has been instrumental in improving the Nation's public rangelands. This fact is demonstrated by a 1990 Bureau of Land Management study that found that the current trend is stable to improving on more than 87 percent of the public rangelands. Clearly, under PRIA, our rangelands are in better shape now than they have been in a very long time.

Unfortunately, Mr. Chairman, this debate is not being considered in objective terms. Some are falsely claiming that Federal land grazing constitutes a Government subsidy. I disagree. If you have ever been out West and have seen the differences in quality between public and private land, you will see the saying "you get what you pay for" certainly applies. The current Federal fee is \$1.97 per animal unit month or AUM, compared to \$8 to \$12 per AUM on private land. Yes, on the face of it, it appears to be a subsidy. However, a careful examination of the differences between public and private rangeland makes it clear that no subsidy is involved. To better illustrate this, I am enclosing with my statement a copy of a study by Dr. Darwin Nielsen of Utah State University that shows the total breakdown of fee and nonfee costs.

As one can determine from the study, the principal difference is that the public land grazer is faced with many more obstacles than his private grazing counterpart. He must deal with higher animal, water, herding, and travel costs. In addition, he must share the BLM land with others who take advantage of the recreational opportunities of public land. In fact, if the total costs are taken into consideration, the public land grazer often ends up paying more than the private land grazer.

The point is, Mr. Chairman, we are being asked today to vote on a 400-percent increase in the Federal grazing fee. We are being asked to radically alter the entire management procedures of our public rangeland. These issues will have far-reaching consequences that affect our public rangeland, Western rural economies, and ranchers. This is being done without hearings, without committee or sub-

committee consent, without any authorizing language at all.

I oppose the Synar amendment as a Westerner and a Member of Congress vitally interested in the legislative process. I ask that Congress let the Interior Committee—the authorizing committee—hold hearings, gather data, and produce thoughtful, credible legislation that will solve this issue. Please vote no on the Synar amendment and let the Interior Committee do its job.

#### Exhibit 3

#### Comparison of Operating Costs Per AUM on Public Land Ranch Versus Private Land Ranch Units

This table, following the Federal Standards established in the 1966 Fee Study, updates the 1966 results to 1990 values.

#### TOTAL GRAZING COSTS ON OPERATIONS USING FEDERAL GRAZING PERMITS & PRIVATE LEASES

Operation	Federal grazing permits	Private leases
Lost animals	\$1.82	\$1.12
Association fees	.27	
Veterinary	.45	.53
Moving livestock to and from	1.11	1.16
Herding within operation	1.86	.77
Salt and feed	2.32	3.09
Travel to and from operation	1.49	1.19
Water (production items)	.27	.20
Horse	.50	.31
Fence maintenance	.89	.92
Water maintenance	.69	.55
Development depreciation	.37	.10
Other	.44	.47
Total	12.48	10.41
Federal grazing fee: 1990	1.81	
Private forage value (includes lessor's overhead and risk): 1990		4.35
Total operating costs P/		
AUM	14.29	14.79
Capitalized cost of grazing permit <sup>1</sup>	3.25	
Total costs	17.54	14.79

<sup>1</sup> Internal Revenue Service valuation of grazing permit at \$850 per animal unit month; Montana, 1980. Capitalized cost is calculated using 8 percent as the long term rate of return as in the 1988 fee study.  $(850/12 \times 8 \text{ percent} = 3.25)$

Note.—Actual out of pocket cost equals ranch unit purchase price divided by 12 months, and multiplied by the long term cost of money. That is,  $(\$1,000/12 = \$83.33 \times 10\% = \$8.3 \text{ per UAM; Dr. Fowler, NMSU})$ .

Source: Dr. Darwin Nielsen, Utah State University.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Oklahoma [Mr. BREWSTER].

The CHAIRMAN. The gentleman from Oklahoma [Mr. BREWSTER] is recognized for 2 minutes.

Mr. BREWSTER. Mr. Chairman, I guess it is kind of unusual to get a minute from each side, but I certainly appreciate my colleague, the gentleman from Oklahoma [Mr. SYNAR], for allowing that, and the gentleman from New Mexico as well.

But I feel like I have something to offer on this particular amendment. I have been in the cattle business since 1968. Oklahoma has less than 2 percent of our land that is Federal land.

Oklahoma is not involved in this. But I understand the issue. I understand it completely. I have sold a lot of cattle to the people in the Western States, and I know a lot of them and how they operate.

As you might guess, \$1.97 per month figures out to be \$23.64 a year, I say to



the gentleman from Georgia [Mr. DARDEN] that cattlemen in the Western States pay on their cows. I called a bunch of realtors in Oklahoma today and did some checking around.

You can run a cow on private land in Oklahoma for \$25-\$40 a year, so I can tell you that the fairness question is not there.

It is fair now. So it is not something that we have to worry about.

In addition, on private land you do not have multiple use. You do not have trespassers. You do not have people in there, and you frequently have good fences and very good sheds.

I would hope that we did not look at it any other way than the fact that it is fair now.

Twenty percent of the Federal land goes unused today because people cannot make money on it at the \$1.97 level.

I am not sure what the intent of the amendment is. I cannot say the intent is "Cattle free by 1993" or any of those things. I do not know. But I can tell you what the result will be. The result will be there will not be cattle grazed on that land. The result will be about 30 percent of the cow herd of this Nation will be gone. The result will be an increase in the price of food. The result will be a loss of about \$150 million a year that cattlemen are paying now for the use of that property.

□ 1750

I would hope that we could consider the consumer in this. I would hope we would consider we do not want to import food as we import oil today. I think it is important that we do that.

I urge Members to vote "no" on the Synar amendment. It certainly makes sense to vote that way.

Mr. Chairman, the amendment offered by my good friend and fellow Oklahoman, MIKE SYNAR, would prove to be a disaster not only to those ranchers and their families who utilize the grazing program, but in the long run this amendment would be detrimental to the beef industry throughout the country.

While the present permit fee may be lower than the average leasing fee for private rangelands, the other attendant costs incurred by permittees to actually utilize the grazing resource—to provide water, fencing, transportation, and so forth—pushes the overall costs of public grazing well in excess of those involved in leasing private rangelands. Having been in the cattle business most of my life, I can tell you those costs are substantial, and a significant increase in grazing fees would result in large numbers of cattle either going to market or a large number of producers competing for private pasture. Either result is detrimental to the beef industry through decreased prices or higher production costs. You don't have to be an economist to realize that those reasons alone would drive current permittees off the public lands and, in many cases, out of the livestock business.

My colleague raises the issue of comparing various State fees to the current Federal graz-

ing fees. That is certainly unfair since in most all of those cases better rangelands exists, better services are provided by the States, and there are greater availabilities of water to the producers. Let's not compare apples and oranges. If the real driving force behind this effort is to achieve "Cattle free by 93" on public rangelands for environmental purposes, then we should consider every cattleman in America, whether they graze on public or private rangelands, under indictment for choosing to produce livestock as their livelihood and that of their families.

The U.S. Forest Service maintains that 20 percent of public grazing permits and allotments go unused by ranchers, in part because of the high costs associated with their use. If this is the case, I don't think we want to turn that number into 50 or 60 percent. In a time when we are looking at significant trade deficits, and a budget deficit growing out of control, I feel as though we should be looking toward utilizing our resources here at home to increase our market strength worldwide. How can this be achieved by continually gouging our own producers, and especially the American beef producer, the largest producer of beef in the world?

Mr. Chairman, the present grazing fee formula was worked out after long years of debate and negotiations involving agriculture, environmental groups, Congress, and the executive branch. It is fair to all concerned and has worked well for the Government, agriculture, the environment, and the consumer, and I urge my colleagues to look beyond regional differences, look to those beef producers who make a considerable contribution to the U.S. economy, and vote "no" on the Synar amendment.

Mr. SYNAR. Mr. Chairman, I yield myself 30 seconds not to take issue with my dear freshman colleague from Oklahoma [Mr. BREWSTER]. It will have to be more than 2 percent of an industry that could potentially be eliminated if everything were to happen as they predict, to have an impact on the cattle industry in this country.

Second, to run cattle in our great State of Oklahoma is not \$23 per year. It averages out to \$109.93 based on the appraisal that our Federal Government does throughout our country.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. DE LA GARZA], chairman of the Committee on Agriculture.

Mr. DE LA GARZA. Mr. Chairman, I thank my distinguished colleague for yielding me this time.

I rise in opposition to the Synar amendment for one simple reason, Mr. Chairman. Members can point out to the millionaire that got some money from the Government in housing, in transportation, in the airlines, and everything, but here I am speaking for the consumer. Members will disrupt the line or the chain of supply to the consumer.

We have been there before. We have to go begging to Australia, to New Zealand, to send beef. It is not only the beef, but it is the multiplicity of the

other parts of the beef, the hides and everything else.

Even as unimportant as this may sound, just to say that we will charge them a little more, that is not necessarily it, because some of them are at the breaking point. They are really taking care of the patrimony, and we will disrupt the chain of supply to the consumer. So as a consumer vote on this issue, vote "no."

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from Idaho [Mr. Stallings].

Mr. STALLINGS. Mr. Chairman, I rise in opposition to the Synar amendment. I oppose this amendment for two reasons.

First, I believe it represents an end-run around the authorizing process. The National Parks and Public Lands Subcommittee has held a number of hearings on this issue over the last few years. It has not passed this legislation and the full House should not do so now by legislating on an appropriations bill. Second, this amendment would be an onerous burden to western permittees, who view it as a raise of some 500 percent over the current price.

I have long maintained that the current fee system that was first mandated by Congress as part of the Public Rangelands Improvement Act of 1978 is fair to both the grazing permittees and the Federal Government.

The Federal grazing fee is determined by a formula set by Congress in 1978 with bipartisan support, including that of the Carter administration. The formula was later extended by President Reagan by Executive order and has since been upheld in Federal court.

The current fee is based on market conditions, and goes up or down depending on three market variables that are measured by the Government each year: Private lease rates, beef cattle prices, and production costs in 11 Western States.

It is a reflection of market value because of the additional costs incurred by a producer in running cattle on public lands. Federal permittees must bear many additional nonfee costs not borne by private lessees. Public rangelands are less productive for feed, allowing lower carrying capacities. Transportation costs are greater, water hauling, fence repair, doctoring of sick animals, and protection from predators all are costs paid by the producer and must be recognized in any comparison of fees for public versus private grazing costs.

Studies show that when these additional costs are added to the Federal grazing fee, the cost of grazing on public lands equals or surpasses private lease rates.

Western States, including my own State of Idaho, can offer substantial proof that the public grazing system is a vital part of their economic vitality, as well as being an organized program to manage public lands.

Mr. Chairman, the vast majority of the 31,000 ranchers who graze cattle and sheep on western public lands run small, family owned operations. They simply cannot afford this kind of increase. These are not corporations; these are ranches which have been in the family for generations, and this amendment will put them out of business. Let's keep that in mind when we vote to increase the Federal fees more than 500 percent.

Mr. Chairman, I appreciate this opportunity to speak today and I encourage my colleagues to reject this amendment.

The CHAIRMAN. The gentleman from Oklahoma [Mr. SYNAR] has 5 minutes remaining and the gentleman from New Mexico [Mr. SKEEN] has 7½ minutes remaining.

Mr. SKEEN. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. DOOLITTLE].

Mr. DOOLITTLE. Mr. Chairman, this amendment undermines multiple use of the public lands, reduces revenue to the Treasury, and puts thousands of hardworking people out of business.

The proponents of this amendment have admitted that there is a 32-percent differential over the last 10 years between the price of grazing on private land and what is being charged for the public lands. Why, then, are we charging a 400-percent increase, 12½ times what the differential is? It smacks of mathematics that we see around here in other pieces of legislation that this House passes.

Mr. Chairman, the recognized authorities have indicated even a 100-percent increase in the grazing fees will result in 50 percent less land being leased from the public.

This amendment is antipeople. It is anti-multituse of the public lands, and it is detrimental to the Treasury. I urge its defeat.

Mr. SYNAR. Mr. Chairman, I would like to notify the chairman and the gentleman from New Mexico [Mr. SKEEN] that we are down to the last three speakers, including the gentleman from Georgia [Mr. DARDEN], the gentleman from Massachusetts [Mr. ATKINS], and myself. We will close with these speakers dividing the remaining 5 minutes among us.

Mr. SKEEN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. HERGER].

Mr. HERGER. Mr. Chairman, I rise in strong opposition to this amendment. This drastic measure would raise grazing fees by over 400 percent, which would devastate our rural economies in the West which are already suffering high unemployment.

This proposal purports to save taxpayer dollars by raising grazing fees for a few supposedly large western ranchers. In fact, an estimated 31,000 small, family ranchers depend on access to public lands for their economic sur-

vival. Moreover, the current grazing fee system already covers the cost of our range program for livestock, and our Federal agencies estimate that we will actually lose revenue if grazing fees are drastically raised, and grazing on Federal land is reduced.

It is important to note that livestock grazing has numerous environmental benefits for public lands. Controlled grazing helps manage and prevent wildfires, and also provides open space for many species of wildlife. In fact, the Bureau of Land Management has stated that public rangelands are in better condition today than at any time since the beginning of this century.

The current grazing fee structure is designed to raise or lower the fees according to economic conditions, such as market prices for livestock, production costs, and forage values. In the last 4 years, this formula has actually raised grazing fees on its own by 46 percent. As such, current law is working, and as the old saying goes, "if it ain't broke, don't fix it."

I strongly urge my colleagues to vote against the Synar amendment.

Mr. SKEEN. Mr. Chairman, I yield 4 minutes to the gentleman from Oregon [Mr. SMITH].

Mr. SMITH of Oregon. Mr. Chairman, I thank the gentleman for yielding me this time.

I want to answer some of what I think are distortions and outright exaggerations about this whole issue. First of all, I am going to argue the point that there is no subsidy here, and there is nothing to argue about.

I will call my first witness, and I will call Cy Jamison from the Bureau of Land Management, the Director who testified before our committee that, in fact, it only costs \$1.66 per annual unit month to cover the cost of grazing livestock on public ranges.

Now, the permittee pays \$1.97. That means that the cattleman are paying the Treasury \$1.5 million more than necessary to cover the costs of operating the range for livestock. Where is the subsidy? Here is exactly the proof in this chart: \$1.66 and \$1.97.

Second witness. If there is a subsidy, that means that the private people are paying much less than the public people, grazing on Federal ranges, and somehow there is a subsidy. If we look at this, obviously in the sense of \$1.97 per annual unit month on public lands, and \$10.41 on private lands, we would say that there is a great subsidy here. Where do they get \$60, \$90, \$150 million? That is what we are doing.

Let me suggest to Members that when we add all the costs of renting on public ranges, adding only \$1.81 which was last year's charge, by the way. It costs \$14.29 to run on public range, and it costs \$10.41 to run on private ranges. Therefore, it costs more to run on public range at \$1.81, not \$1.97.

□ 1800

Where, my friends, is the subsidy? There is no subsidy here.

Then 73 percent of the land is going downhill, is deteriorating, of our public lands? Just the opposite. The Bureau of Land Management estimates that 73 percent of the public range is either increasing in its forage program or it is in average to excellent condition.

In fact, last year 7 million acres were added, reclassified as good to excellent in the BLM categories. Therefore, the graph is up. Range lands are improving in the West and have been for 30 years.

If that is not enough of an example for you, what would be the test of improving public ranges? A lot of us are wildlife enthusiasts. A lot of people enjoy the public lands. What is happening on public lands in the last 30 years? Let me tell you. Here are the details of wildlife increases:

Antelope are up 112 percent.

Bighorn sheep are up, 435 percent increases.

Deer are up, 30 percent increase in numbers.

Elk are up 782 percent. I love to hunt elk.

Moose are up 476 percent.

Does that indicate deteriorating public lands? These are numbers of wildlife on public lands only.

That kinds of record performance, coming from decimated public lands? I do not think so.

I want to answer some of these questions about the Grace Commission. In 1984 the Grace Commission indeed said that we ought to raise grazing fees to recover the cost to the Government for grazing animals on public lands. We do have at \$1.97 the costs and more of raising cattle on public lands.

In 1984 the Grace Commission did not see a \$1.97 grazing fee. They saw \$1.41. The grazing fee has come up 40 percent.

Mr. Chairman, I ask you to analyze these facts, to vote against the Synar amendment, because it does not make any sense. This is not a subsidy and do not let anybody fool you about it.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Georgia [Mr. DARDEN].

Mr. DARDEN. Mr. Chairman, again I want to commend the primary sponsor of this amendment, the gentleman from Oklahoma [Mr. SYNAR] for his statesmanship and courage in bringing this issue forward today, as unpopular as it might be in the Western States.

I would say to answer my friend, the gentleman from Oregon, that if this grazing fee situation is so good for wildlife, why does the National Wildlife Federation, the National Audubon Society and all wildlife groups support a raise in grazing fees?

A vote for our amendment is a vote to protect the environment. It is supported by the League of Conservation Voters, the Sierra Club, the Public Lands Action Network.



A vote for our amendment is a vote for fiscal responsibility. Our amendment is supported by the National Taxpayers Union, the Council for Citizens Against Government Waste, and Citizens for a Sound Economy.

Finally, a vote for our amendment is a vote for fairness and free enterprise.

Mr. Chairman, let us put an end to the subsidy. Vote for the Synar amendment.

Mr. SYNAR. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. ATKINS].

Mr. ATKINS. Mr. Chairman, I rise in favor of the Synar amendment.

Mr. Chairman, we have heard quite a vision this afternoon in this debate, a vision of a bovine apocalypse. This horrendous situation, and we have just seen the charts, if this amendment passes the deer and the antelope will no longer roam.

Well, Mr. Chairman, what we are talking about here is the most sacred of sacred cows. We are talking about 1.6 million people who raise cattle in this country, only 26,000 of them, less than 2 percent, get the special advantage of this subsidy, this multimillion-dollar subsidy, and of that group 90 percent of the benefit goes to the largest corporations in America. It goes to the oil companies. It goes to hobby farmers and very wealthy individuals.

Now, we have heard that if we raise this fee, it is 400 percent. Of course, it is 400 percent, because for 50 years they have kept it well below market value.

Mr. Chairman, I would hope that the Synar amendment does pass.

Mr. SKEEN. Mr. Chairman, I yield the remaining 30 seconds that I have to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, I rise in opposition to the Synar amendment to increase grazing fees on Forest Service and Bureau of Land Management [BLM] lands. As with many States in the West, New Mexico is very rural and comprised of a great amount of public lands.

However, the ranchers that use public lands in my district and across the State are mostly small family operators with fewer than 100 head of cattle. My constituent mail has run 336 to 5 in opposition to increasing grazing fees. Most of those people run subsistence operations, with slim profit margins that are greatly affected by market forces and production and improvement costs. As a result, we have witnessed many farms and ranches go bankrupt in recent years. Changes in the grazing fee formula cannot be absorbed by small operators in my district.

As you know, the Interior Subcommittee on National Parks and Public Lands, of which I am a member, has held hearings on grazing fees. I believe the overriding issue at stake here is how to better protect and perpetuate

our public rangelands. This cannot be accomplished through a massive increase in grazing fees which provides no assurance of increased protection or better management of public lands. Instead, we must focus on strict enforcement of regulations against unauthorized grazing, watershed improvements, and providing adequate control of deer, elk, and other wildlife species where it is warranted. Like all natural resources, our range resources must be conserved so that they can provide multiple uses now and in the future.

Mr. Chairman, this will take innovative management—not a drastic increase in the grazing fee formula. I urge my colleagues to oppose the Synar amendment.

Mr. SYNAR. Mr. Chairman, I yield myself the remaining time.

Mr. Chairman, first of all, let me congratulate all my colleagues for the excellent and high level of debate we have had today. I think it has improved substantially from last year.

During the last 60 minutes we have heard really basically three arguments in respect to why you should oppose the Synar amendment.

The first is that these are family-owned operations and that we are going to hurt the family farms and ranches in the Western United States. I think my colleague, the gentleman from Massachusetts, addressed that directly when he pointed out, without refuting evidence, that 10 percent of all the grazing permittees in this country control about 90 percent of the grazing land in this country. He pointed to the oil companies, the foreign interests, the insurance companies and the large landowners who are really benefiting from this grazing subsidy which we address today.

The second argument we heard in opposition to the Synar amendment is that we will run people out of business and we will run them off the land.

Well, if it means running off oil companies and insurance companies and multimillionaires and doctors and lawyers, maybe it is long overdue; but the fact of the matter is that in the State of New Mexico they doubled the grazing fee on their State lands from \$2 to \$4 and they did not lose one grazing permittee because of that raise.

As recently as last month in the great State of Montana, a farmer and rancher bid \$29 per AUM for a piece of land on State property and was defeated at the auction. So I think this scare is not legitimate.

The final argument I heard, and that was from the gentleman from Texas, the chairman of the Agriculture Committee, was that it will disrupt the market and it will destroy the chain of supply for customers. Let us be real. If 2 percent of an industry which is in its best shape and health is going to destroy an industry, I would like to know what the other 98 percent is going to do.

You know, for the last 9 years I have had the privilege of serving as the chairman of the Subcommittee on Environment, Energy and Natural Resources of the Committee on Government Operations. For 9 years I have studied every report, from BLM, from the Forest Service, from the GAO, from professors, from everyone in these United States, and not once in those 9 years have they ever come to the conclusion that the opponents of the Synar amendment have come to. They have come on exactly the opposite.

Even with that, I was not satisfied. I went one more time back to the scholars to find out, to accumulate all the information, so that we could make a final decision based on the facts.

The facts are clear. Two percent of the cattle industry benefit from a subsidy of \$150 million a year; 650 million dollars' worth of taxpayer money has been lost subsidizing this industry in this small form. It is time for reform. Vote "yes" on the Synar amendment.

Mr. OWENS of Utah. Mr. Chairman, I find myself, in this instance, opposing people with whom I normally agree and agreeing with some people I normally oppose. I do so because I believe the question of raising grazing fees or adjusting the Public Rangelands Improvement Act formula is best addressed in the Interior Committee and the Agriculture Committee, and not incorporated as an amendment on the floor. If adjustments to the PRIA formula are necessary, they should be developed through informed debate and hearings before the appropriate committees—not the Appropriations Committee.

There are aspects of the amendment which make some sense to me. For example, the amendment calls for the abolition of grazing boards, which currently serve primarily as spokesmen for the cattle industry and rarely emphasize other values of the public lands. But I cannot support the accompanying draconian raise in grazing fees. Quadrupling grazing fees within 5 years would unnecessarily and unfairly put ranchers out of business—people whose livelihoods and culture depend on the land, and whose contributions to the American economy are very important.

If cattle or sheep are overgrazing the land, and they are, in places, it is intellectually more honest, not to mention better legislative process, to address the problem through additional protective regulations instead of simply pricing ranchers out of existence. We have taken steps in that direction already with our work in the Interior Committee on Reauthorization of the Bureau of Land Management.

If we are really concerned, as has been implied during this debate, with corporate ranchers and wealthy ranchers who are accused of abusing the system, why don't we craft a response which protects the small family rancher and eliminates the alleged subsidy for the wealthy or corporate ranchers, much as we have done with subsidies for public water in our recent debate over reclamation reform? But this kind of rational solution will take time and hearings and cannot be dealt with summarily on the House floor during debate on an appropriations bill. The Synar amendment, al-

though well-intended, is the wrong approach to a very complicated issue and I urge its defeat.

Mr. ORTON. Mr. Chairman, I rise in opposition to the Synar amendment to H.R. 2686, the Interior appropriations bill.

There is a notion now gaining currency amongst my colleagues that the Federal policy of permitting grazing of cattle on public lands represents a subsidy to ranchers. However attractive, this notion is simply untrue.

Consider the case of Utah where 69 percent of the State is under Federal ownership and livestock production is the largest single agricultural enterprise. There, as proponents of the Synar amendment are quick to point out, the average fee for one animal unit month [AUM] on public lands is \$1.97. On private lands the grazing fee may be as high as \$8 or \$9 per AUM. On this one comparison hangs the whole argument that grazing fees on public lands constitute a subsidy to ranchers.

Well, as any rancher will tell you the real story runs much deeper than that. First, the true cost to a rancher includes fee as well as nonfee costs. Nonfee costs, including lost animals, veterinarian costs, herding, travel, salting, and feeding, are typically much higher on public lands. Whereas on private land the rancher is usually provided with many of these services when he pays the fee, on public land the rancher bears these costs himself. As a result, the fee costs are not strictly comparable. Moreover, the rancher who grazes on public lands must accommodate a number of other public lands uses and must comply with a welter of Federal regulations. The private rancher generally enjoys exclusive use of the land and faces none of these Federal regulations.

In the case of Utah then, the average nonfee costs for public land grazing through January 1990 totaled \$12.48 per AUM, for a total fee and nonfee cost to the rancher of \$14.45 per AUM. In contrast, the average nonfee costs for private land grazing in Utah are \$10.41, for a combined fee—exclusive of nonfee services provided by private landowners—and nonfee cost of \$14.76. Per AUM then, the value of grazing fees on public and private land are roughly equivalent. As a result, on Utah BLM lands approximately 250,000 AUM's are regularly in voluntary nonuse out of the total active preference AUM's of 1,324,746. Who ever heard of a government subsidy that was undersubscribed? On this basis alone I would urge my colleagues to reject the Synar amendment to raise grazing fees over 400 percent.

On procedural grounds too, the Synar amendment is ill-considered. The framers of the amendment would have this body think that the issue is a simple one—in fact, it's far from that. The issue itself is far broader than the fee or even nonfee costs. There are broad

issues of public policy for the cattle industry and the nature of our public lands. The Interior Committee is the proper forum for these discussions. The committee held hearings on this issue this year and has not seen fit to move legislation to increase grazing fees. An hour of debate on an appropriations bill is a poor substitute for the Interior Committee's judgment, and I urge my colleagues to reject the Synar amendment on these grounds as well.

Mr. RHODES. Mr. Chairman, what the proponents of this proposed massive increase in the public land grazing fees consistently fail to acknowledge, is the fact that the private land grazing fees to which they so readily compare the public land fees, incorporate other costs which the public land permittee advances out of his own pocket for additional grazing necessities, but which are not provided by the Federal Government. However, on private grazing lands, these additional services are normally figured into what then becomes the logically higher fee for private lands.

Were these additional costs not calculated in the private land grazing fee, and left to the permittee to provide, the price of the private versus public lands fees would be essentially the same.

Mr. Chairman, I would like to include in my remarks for the RECORD, an article written by Darwin Nielsen, an economist at Utah State University, that shows clearly the specific additional costs that are borne by the public land permittee, but not borne by the private land permittee. Mr. Nielsen's article appeared in the January 14, 1991, Western Livestock Journal.

This analysis demonstrates clearly that if the public land grazing fee portion of a ranchers' total grazing costs is increased to \$8.70/AUM, as proposed by Mr. SYNAR, the livestock will surely be driven from the public lands. Of course, that is the true end result of what the supporters of this amendment seek to achieve in such a cavalier manner.

[From the Western Livestock Journal, Jan. 14, 1991]

#### TOTAL COST OF GRAZING PUBLIC LANDS

(By Darwin B. Nielsen)

Most discussions of grazing fees only consider the amount of money actually transferred from one party to another in the transaction. This is especially true in the politics of federal land grazing fees. For example, those who want fees increased compare the \$1.81 (1990 fee) per AUM (Animal Unit Month) with \$10-\$12 per AUM for some private leases they have heard about. Thus, the argument that western ranchers are being subsidized by the government. There is no one "perfect grazing fee" that all sides are searching for that will solve the problem. Each ranch has a unique amount it can afford to pay for an AUM of grazing depending on how efficient the ranch is and how much forage is needed to round-out the feed requirements (MVP of grazing). There is a wide assortment of lease arrangements that are entered into by buyers and sellers of range

forage. At one extreme the landlord provides all land and livestock management services. At the other extreme the landlord requires the tenant to do all the land and livestock management services. The high fees quoted are associated with situations where the landlord provides most services plus the forage required. A lower fee is paid where the tenant must pay the fee plus incur the nonfee costs associated with the use of the leased land. The important point is that rancher decisions are made on the total cost of grazing (fee and nonfee costs). Political decisions on federal land grazing should be based on the total cost of grazing to the permittee and the total cost of grazing comparable private leased rangeland. Public grazing is characterized by rather low fees and high nonfee costs.

In the 1966 study, fee and nonfee costs (total cost) were compared for public and private grazing lands that could substitute for one another. A study was undertaken at Oregon State University to update the nonfee costs of using public lands. However, this study did not cover all of the public land states. Another approach will provide a minimum estimate of the magnitude of nonfee costs of using public lands. This can be done by updating the nonfee cost estimates made in 1966 by using index numbers. This methodology is valid if the assumption is made that the government does not require more management services of the permittee now than in 1966. Most public land permittees are required to perform more intensive levels of management in 1990 than in 1966; therefore, these costs have gone up in absolute terms. Since the exact cost of the increased requirement for more fences, herding, moving, etc., is not known the indexed nonfee costs will be lower than actual current costs.

In order to index the 1966 nonfee costs up to 1990, a two-stage system must be used since USDA has two base periods—1967=100 and 1977=100. The 1966 nonfee costs were indexed to reflect 1977 values, these costs were then indexed up to 1990 using the 1977=100 base. The results of this process is shown in Table 1.

If the proposed fee presented to the 1990 Congress is imposed in 1991 the total cost to public land permittees would be:

\$8.70/AUM fee cost.  
\$12.29/AUM nonfee cost.  
\$20.99/AUM total cost.

If a Utah sheep rancher was faced with this total cost of grazing and used public land all year it would cost: 12 months × \$21/month = \$252/AU; 252/AU divided by 5 sheep/AU = \$50.40 per ewe. Assume a 100 percent lamb drop, a 100 pound average weaning sales weight, and 1990 lamb price of \$50 per cwt. The total value produced per ewe lamb is less than the cost of grazing the animal for a year. The rancher would have the value of wool to pay all other costs. Cattle producers would be in better shape because of the higher calf prices but could not afford to pay the total cost of grazing at these rates.

(Mr. Nielsen is an economist at Utah State University and is considered a leading authority on federal lands issues.)

TABLE 1.—SUMMARY OF PUBLIC LAND FEE AND NONFEE COSTS FEE AND NONFEE COSTS OF GRAZING FEDERAL LANDS

[Updated with January 1990 index numbers]

Item	1966	1977 index	1990 index	Nonfee cost	Amount
Lost animals	\$0.60	\$1.01 (1.68)	1.80	Meat animals/prices received	\$1.82
Association fees	.08	.16 (2.00)	1.68	Production items	.27
Veterinarian	.11	.25 (2.26)	1.79	Wage rates	.45
Moving livestock	.24	.55 (2.30)	2.02	Autos & trucks + Wage rates	1.11
Herding	.46	1.04 (2.26)	1.79	Wage rates	1.86



TABLE 1.—SUMMARY OF PUBLIC LAND FEE AND NONFEE COSTS FEE AND NONFEE COSTS OF GRAZING FEDERAL LANDS—Continued

(Updated with January 1990 index numbers)

Item	1966	1977 index	1990 index	Nonfeed cost	Amount
Salting and feeding	56	1.18 (2.10)	1.77	Auto and truck + feed	2.09
Travel	32	.70 (2.18)	2.18	Auto and truck + Fuel and energy	1.53
Water	.08	.16 (2.00)	1.68	Production items	.27
Fence maintenance	24	.55 (2.28)	1.61	Wages + building and fencing	.89
Horse cost	.16	.30 (1.68)	1.68	Feed	.50
Water maintenance	.19	.43 (2.28)	1.61	Wages + building and fencing	.69
Devel. depreciation	.11	.22 (2.00)	1.68	Productions items	.37
Other costs	13	.26 (2.00)	1.68	Production items	.44
Total nonfeed cost					12.29

<sup>1</sup> Indices taken from USDA, "Agricultural Prices," Washington, DC, Economic and Statistics, and Cooperatives Service, Feb. 29, 1990.

Note.—1990 fee costs: Forest Service, \$1.81/AUM; BLM, \$1.81/AUM. Total 1990 costs: Forest Service, \$12.29+\$1.81=\$14.10; BLM, \$12.29+\$1.81=\$14.10

The CHAIRMAN. The question is on the amendment offered by the gentleman from Oklahoma [Mr. SYNAR].

The question was taken; and the Chairman announced that the noes appeared to have it.

## RECORDED VOTE

Mr. SYNAR. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 232, noes 192, not voting 8, as follows:

(Roll No. 194)

## AYES—232

Abercrombie  
Ackerman  
Anderson  
Andrews (ME)  
Andrews (TX)  
Annuzio  
Applegate  
Archer  
Aspin  
Atkins  
Bacchus  
Barnard  
Bellenson  
Bennett  
Berman  
Boehlert  
Bonior  
Borski  
Boucher  
Boxer  
Brooks  
Brown  
Bruce  
Bryant  
Byron  
Campbell (CA)  
Cardin  
Carper  
Clay  
Clement  
Clinger  
Collins (IL)  
Conyers  
Cooper  
Costello  
Cox (CA)  
Cox (IL)  
Coyne  
Crane  
Darden  
DeLauro  
DeLay  
Dellums  
Derrick  
Dicks  
Dingell  
Dixon  
Donnelly  
Downey  
Dreier  
Durbin  
Dwyer  
Early  
Eckart  
Edwards (CA)  
Engel  
Erdreich

Evans  
Fascell  
Fawell  
Fazio  
Feighan  
Fish  
Flake  
Foglietta  
Ford (MI)  
Ford (TN)  
Frank (MA)  
Gallo  
Gejdenson  
Gephardt  
Gibbons  
Gilman  
Glickman  
Gordon  
Goss  
Gradison  
Green  
Guarini  
Hall (OH)  
Hamilton  
Hayes (IL)  
Hayes (LA)  
Hefner  
Henry  
Hertel  
Hoagland  
Hochbrueckner  
Horn  
Hoyer  
Huckaby  
Hughes  
Ireland  
Jacobs  
James  
Jefferson  
Jenkins  
Johnson (CT)  
Johnston  
Jones (GA)  
Jontz  
Kanjorski  
Kaptur  
Kasich  
Kennedy  
Kennelly  
Kildee  
Klecza  
Kostmayer  
LaFalce  
Lancaster  
Lantos  
Lehman (FL)  
Levin (MI)

Lewis (GA)  
Lipinski  
Lloyd  
Lowey (NY)  
Lukens  
Machtley  
Manton  
Markey  
Matsui  
McVroyles  
Mazzoli  
McCloskey  
McCrery  
McCurdy  
McDermott  
McGrath  
McHugh  
McMillen (MD)  
McNulty  
Meyers  
Mfume  
Miller (CA)  
Miller (OH)  
Miller (WA)  
Mineta  
Mink  
Moakley  
Moody  
Morella  
Mrazek  
Murphy  
Neal (MA)  
Neal (NC)  
Nowak  
Oaker  
Obey  
Oliver  
Owens (NY)  
Pallone  
Patterson  
Payne (NJ)  
Payne (VA)  
Pease  
Pelosi  
Petri  
Pickett  
Poshard  
Price  
Rahall  
Ramstad  
Rangel  
Ravenel  
Rinaldo  
Ritter  
Roemer  
Rohrabacher  
Ros-Lehtinen

Rostenkowski  
Roukema  
Rowland  
Roybal  
Russo  
Sabo  
Sanders  
Sangmeister  
Savage  
Sawyer  
Saxton  
Scheuer  
Schroeder  
Schumer  
Sensenbrenner  
Serrano  
Sharp  
Shays  
Sikorski  
Sisisky  
Skaggs

Slattery  
Slaughter (NY)  
Smith (FL)  
Smith (NJ)  
Smith (TX)  
Snowe  
Solarz  
Solomon  
Spratt  
Stark  
Stokes  
Studds  
Sweet  
Synar  
Tanner  
Tauzin  
Torres  
Torricelli  
Towns  
Traxler  
Unsoeld

## NOES—192

Alexander  
Allard  
Andrews (NJ)  
Anthony  
Armey  
AuCoin  
Baker  
Ballenger  
Barrett  
Barton  
Bateman  
Bentley  
Bereuter  
Bevill  
Bilbray  
Bilirakis  
Bliley  
Boehner  
Brewster  
Broomfield  
Browder  
Bunning  
Burton  
Bustamante  
Callahan  
Camp  
Campbell (CO)  
Carr  
Chandler  
Chapman  
Coble  
Coleman (MO)  
Coleman (TX)  
Collins (MI)  
Combest  
Condit  
Coughlin  
Cramer  
Cunningham  
Dannemeyer  
Davis  
de la Garza  
DeFazio  
Dickinson  
Dooley  
Doolittle  
Dorgan (ND)  
Dorman (CA)  
Duncan  
Dymally  
Edwards (OK)  
Edwards (TX)  
Emerson

Espy  
Fields  
Frank (CT)  
Frost  
Gallegly  
Gaydos  
Gekas  
Geren  
Gilchrest  
Gillmor  
Gingrich  
Gonzalez  
Goodling  
Grandy  
Gunderson  
Hall (TX)  
Hammerschmidt  
Hancock  
Hansen  
Harris  
Hastert  
Hatcher  
Hefley  
Herger  
Hobson  
Holloway  
Hopkins  
Horton  
Houghton  
Hubbard  
Hunter  
Hutto  
Hyde  
Inhofe  
Johnson (SD)  
Johnson (TX)  
Jones (NC)  
Klug  
Kolbe  
Kopetski  
Kyl  
Lagomarsino  
LaRocco  
Laughlin  
Leach  
Lehman (CA)  
Lent  
Lewis (CA)  
Lewis (FL)  
Lightfoot  
Livingston  
Long  
Lowery (CA)

Skeen  
Skelton  
Slaughter (VA)  
Smith (IA)  
Smith (OR)  
Spence  
Staggers  
Stallings  
Stearns  
Stenholm

Stump  
Sundquist  
Swift  
Tallon  
Taylor (MS)  
Taylor (NC)  
Thomas (CA)  
Thomas (GA)  
Thomas (WY)  
Traficant

Vander Jagt  
Volkmer  
Vucanovich  
Walsh  
Weber  
Whitten  
Williams  
Wolf  
Wylie  
Young (AK)

## NOT VOTING—8

Gray  
Kolter  
Levine (CA)

Porter  
Pursell  
Rhodes

Thornton  
Young (FL)

□ 1830

Mr. STEARNS changed his vote from "aye" to "no."

Messrs. JEFFERSON, MCCRERY, SKAGGS, GALLO, and DIXON, Ms. OAKAR, Mr. GLICKMAN, and Mr. SLATTERY changed their vote from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

The CHAIRMAN. Are there other amendments to title III?

AMENDMENT OFFERED BY MR. UPTON

Mr. UPTON. Mr. Chairman, I offer an amendment.

The Clerk read as follows:

Amendment offered by Mr. UPTON: Page 96, after line 25, add the following:

Sec. 320. Notwithstanding any other provision of this Act, each amount appropriated or otherwise made available by this Act that is not required to be appropriated or otherwise made available by a provision of law is reduced by 1.67 percent.

Mr. YATES. Mr. Chairman, I ask unanimous consent to limit debate on this amendment to 10 minutes, 5 minutes for the gentleman from Michigan [Mr. UPTON] and 5 minutes for our side.

The CHAIRMAN. Is there objection to the request of the gentleman from Illinois?

There was no objection.

Mr. UPTON. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, we have heard a lot today about how this bill does not pay for the firefighting activities of the Department of the Interior Forest Service.

Mr. Chairman, I am one more Member who thinks this bill seriously undermines last fall's budget agreement. Basically what our amendment does is this: Traditionally we have spent about one-half billion dollars every year on firefighting activities. It is my understanding that the committee has de-

cided to fund only about \$300 million in the firefighting account, leaving the balance of the \$200 million to be left for an urgent supplemental.

As we looked at CBO and other agencies that have tried to predict what we will be spending on firefighting, they all agree we are going to spend about one-half billion dollars. So why not put that one-half billion dollars into this agreement, rather than playing hocus-pocus and various shell games? Why do we not say up front that in fact we are going to spend half a billion dollars, rather than transferring some of that money into other accounts within the bill?

Mr. Chairman, the gentleman from Minnesota [Mr. PENNY] and I have therefore offered an amendment to have an across-the-board cut of 1.6 percent. We hope those savings will later be used in the conference committee to in fact restore the firefighting accounts that otherwise have been reduced.

Mr. Chairman, I yield 2 minutes to the gentleman from Minnesota [Mr. PENNY].

Mr. PENNY. Mr. Chairman, I rise today to express grave concerns with the fiscal year 1992 Interior appropriations bill currently before the House. This legislation contains several provisions related to firefighting that clearly circumvent the letter and the spirit of the 1990 Budget Act. The committee has created emergency firefighting accounts in the Bureau of Land Management and the Forest Service, and the committee-reported bill has legislative language restricting the ability of the Secretaries of Agriculture and Interior to transfer appropriated funds to fight fires until the President declares an emergency—thereby freeing up a total of \$213 million for firefighting activities that the committee refuses to directly appropriate.

Historically, the Congress has appropriated \$500 million for firefighting. This year, however, rather than face tough choices, the committee reduced the firefighting appropriation to \$311 million, and they rigged the process to ensure the rest of the money—\$213 million—will be spent. First, they set up emergency accounts, then the committee restricts the ability of BLM and the Forest Service to use funds appropriated for other purposes to fight fires, then the committee says to the President, in effect: If you want to spend the other \$213 million appropriated to fight fires you must declare an emergency. So, in effect, the committee's bill breaches the discretionary caps under the Budget Act. This is the worst kind of game playing. The committee takes funds from firefighting and spreads it around in the bill.

Overall, the fiscal year 1992 Interior appropriation is up 9 percent from current-year spending. There certainly is

room to find \$213 million for firefighting given this level of increase.

Mr. Chairman, this is the second emergency declaration in an appropriation measure this year. Two weeks ago, a \$14.1 million item was included in the VA-HUD appropriation. Like the so-called emergency contained in the VA-HUD bill, the emergency provision in the Interior bill is phony and a blatant subversion of the budget agreement.

The amendment I am cosponsoring with Mr. UPTON would impose a 1.67 percent across-the-board reduction in discretionary accounts in this bill in order to free the needed funds for firefighting. This amendment, if adopted, would end the charade of requiring an emergency declaration for firefighting. We know the funds will be spent, so let us be honest, let us not play games, let us not sidestep the budget process, let us pass this amendment. It is the right thing to do.

□ 1840

Mr. UPTON. Mr. Chairman, I reserve the balance of my time.

Mr. YATES. Mr. Chairman, I yield 2 minutes to the gentleman from Ohio [Mr. REGULA].

Mr. REGULA. Mr. Chairman, I thank the gentleman for yielding time to me. I would simply point out that these are emergency funds that we are talking about. There may or may not be an emergency.

Second, the 1.6-percent will be cut on all the programs, such as the Indian programs, the Park Service, the BLM, and all the various projects that are in this bill. They are already short funded. In addition, there is absolutely no assurance that the funds resulting from the 1.6-percent reduction would go to firefighting.

There is nothing in this amendment that says that this cut in funding for some essential services for the agencies such as parks, BLM, and Forest Service would necessarily go into the firefighting. The funds would be generally available.

What we have tried to do in constructing this bill is to be as careful as possible in meeting the needs of the programs funded by the bill. I would point out that in outlays, we are actually under last year's number. We are outlaying less money in this bill than was outlaid in the fiscal 1991 bill, and that is again part of the responsible approach we tried to take in constructing this year's appropriation.

Mr. UPTON. Mr. Chairman, I yield 1 minute to the gentleman from North Carolina [Mr. MCMILLAN].

Mr. MCMILLAN of North Carolina. Mr. Chairman, I spoke earlier on this issue of firefighting funds, which clearly creates a scenario in which we automatically are going to bust budget caps the first time the President makes an emergency request for funds, which he surely will do, possibly before the end

of this week. So I think this amendment has very little negative effect on any other aspect of the budget.

It would provide the wherewithal for the conference to do two things; that is, adequately fund the firefighting request by the President of \$525 million, which is consistent with the pattern over the past 10 years, and at the same time enable us to stick with the budget cap agreement which is absolutely essential that we do if we are ever going to bring this budget into balance.

Mr. YATES. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is a good bill. Not only does this bill provide for reasonable levels, this bill is below levels from fiscal year 1991 for several agencies.

Mr. Chairman, the level for the Bureau of Land Management is below that for 1991. It is below the amount recommended by the President. The U.S. Fish and Wildlife Service is below the level for 1991. The Bureau of Mines is below the level for 1991.

The Office of Surface Mining is below the level of 1991. Territorial and International Affairs is below the level for 1991. Forest Service is below the level for 1991. It is below the level recommended by the President.

Fossil energy research is below the level for 1991. Economic regulation is below the level for 1991. The strategic petroleum reserve operations account is below the level for 1991. The Office of Navajo-Hopi Relocation is below that level, as is the Pennsylvania Avenue Development Corporation.

The Smithsonian is below the level recommended by the President. The National Gallery of Art is below the level recommended by the President. The Pennsylvania Avenue Development Corporation is below the level recommended by the President.

How much lower do Members want this committee to bring this bill in for? We are below all those levels.

The gentleman wants to cut it even more.

I would urge the committee to look at reality. We have tried to take care of the needs of all of the national resources of this country. We have placed money in this bill in order to meet those needs and yet the amount that we have made available has been below the current levels for many accounts.

Those offices are going to be really crippled in their operations unless more money is put in by the Senate. So I would hope that the committee turns down this amendment and sustains the action of the committee.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Michigan [Mr. UPTON].

The question was taken; and the Chairman announced that the yeas appeared to have it.



## RECORDED VOTE

Mr. UPTON. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 169, noes 249, not voting 14, as follows:

[Roll No. 195]

## AYES—169

Allard	Grandy	Oxley
Andrews (NJ)	Hall (OH)	Packard
Applegate	Hamilton	Parker
Archer	Hammerschmidt	Patterson
Armey	Hancock	Paxon
Ballenger	Hansen	Payne (VA)
Barnard	Hastert	Penny
Barrett	Hayes (LA)	Peterson (FL)
Barton	Hefley	Petri
Bateman	Henry	Porter
Bentley	Herger	Quillen
Bilirakis	Hoagland	Ramstad
Bliley	Hobson	Ravenel
Boehlert	Hopkins	Ridge
Boehner	Horn	Riggs
Broomfield	Hubbard	Ritter
Bunning	Huckaby	Roberts
Burton	Hughes	Roemer
Byron	Hunter	Rohrabacher
Callahan	Hutto	Ros-Lehtinen
Camp	Hyde	Roukema
Campbell (CA)	Inhofe	Santorum
Carper	Ireland	Saxton
Clement	Jacobs	Schafer
Clinger	James	Sensenbrenner
Coble	Johnson (TX)	Shaw
Coleman (MO)	Kasich	Shays
Combest	Klug	Shuster
Condit	Kyl	Skelton
Cooper	Lagomarsino	Slaughter (VA)
Cox (CA)	Laughlin	Smith (NJ)
Crane	Leach	Smith (OR)
Cunningham	Lewis (FL)	Smith (TX)
Dannemeyer	Long	Solomon
DeLay	Luken	Spence
Dickinson	Machtley	Stearns
Doolittle	Martin	Stenholm
Dornan (CA)	McCandless	Stump
Dreier	McCollum	Sundquist
Duncan	McCrary	Swett
Edwards (OK)	McCurdy	Tauzin
Emerson	McEwen	Taylor (MS)
English	McMillan (NC)	Taylor (NC)
Fawell	McMillen (MD)	Thomas (CA)
Fields	Meyers	Thomas (WY)
Ford (TN)	Mfume	Upton
Franks (CT)	Michel	Vander Jagt
Galleghy	Miller (OH)	Walker
Gekas	Miller (WA)	Walsh
Geren	Molinar	Weber
Gilchrist	Montgomery	Weldon
Gillmor	Moorhead	Wolf
Gingrich	Morella	Wyllie
Glickman	Neal (NC)	Zeliff
Goodling	Nichols	Zimmer
Goss	Nussle	
Gradison	Orton	

## NOES—249

Abercrombie	Browder	Dellums
Ackerman	Brown	Derrick
Alexander	Bruce	Dicks
Anderson	Bryant	Dingell
Andrews (ME)	Campbell (CO)	Dixon
Andrews (TX)	Cardin	Donnelly
Annunzio	Carr	Dooley
Anthony	Chandler	Dorgan (ND)
Aspin	Chapman	Downey
Atkins	Clay	Durbin
AuCoin	Coleman (TX)	Dwyer
Bacchus	Collins (IL)	Dymally
Bellenson	Collins (MI)	Early
Bennett	Conyers	Eckart
Bereuter	Costello	Edwards (CA)
Berman	Coughlin	Edwards (TX)
Bevil	Cox (IL)	Engel
Bilbray	Coyne	Erdreich
Bonior	Cramer	Espy
Borski	Darden	Evans
Boucher	Davis	Fascell
Boxer	de la Garza	Fazio
Brewster	DeFazio	Feighan
Brooks	DeLauro	Fish

Flake	Manton	Roybal
Foglietta	Markay	Russo
Ford (MI)	Marlenee	Sabo
Frank (MA)	Martinez	Sanders
Frost	Matsui	Sangmeister
Gallo	Mavroules	Savage
Gaydos	Mazzoli	Sawyer
Gedjenson	McCloskey	Scheuer
Gephardt	McDade	Schiff
Gibbons	McDermott	Schroeder
Gilman	McGrath	Schulze
Gonzalez	McHugh	Schumer
Gordon	McNulty	Serrano
Green	Miller (CA)	Sharp
Guarini	Mink	Sikorski
Gunderson	Moakley	Sisisky
Hall (TX)	Mollohan	Skaggs
Harris	Moody	Skeen
Hatcher	Moran	Slatery
Hayes (IL)	Morrison	Slaughter (NY)
Hefner	Mrazek	Smith (FL)
Hertel	Murphy	Smith (IA)
Hochbrueckner	Murtha	Snowe
Horton	Myers	Solarz
Houghton	Nagle	Spratt
Hoyer	Natcher	Staggers
Jefferson	Neal (MA)	Stallings
Jenkins	Nowak	Stokes
Johnson (CT)	Oakar	Studds
Johnson (SD)	Oberstar	Swift
Johnston	Obey	Synar
Jones (GA)	Olin	Tallon
Jones (NC)	Oliver	Tanner
Jontz	Ortiz	Thomas (GA)
Kanjorski	Owens (NY)	Thornton
Kaptur	Owens (UT)	Torres
Kennedy	Pallone	Torricelli
Kennelly	Panetta	Towns
Kildee	Payne (NJ)	Trafficant
Kiecicka	Pease	Traxler
Kolbe	Pelosi	Unsoeld
Kolter	Perkins	Valentine
Kopetski	Peterson (MN)	Vento
Kostmayer	Pickett	Visclosky
LaFalce	Pickle	Volkmer
Lancaster	Poshard	Vucanovich
Lantos	Price	Washington
LaRocco	Rahall	Waters
Lehman (CA)	Rangel	Weiss
Lehman (FL)	Ray	Wheat
Lent	Reed	Whitten
Levin (MI)	Regula	Williams
Lewis (CA)	Richardson	Wilson
Lewis (GA)	Roe	Wise
Lightfoot	Rogers	Wolpe
Lipinski	Rose	Wyden
Lloyd	Rostenkowski	Yates
Lowery (CA)	Roth	Yatron
Lowey (NY)	Rowland	Young (AK)

## NOT VOTING—14

Baker	Livingston	Sarpallius
Bustamante	Mineta	Stark
Gray	Pursell	Waxman
Holloway	Rhodes	Young (FL)
Levine (CA)	Rinaldo	

## □ 1906

Mr. MFUME and Mr. HOAGLAND changed their vote from "no" to "aye." So the amendment was rejected.

The result of the vote was announced as above recorded.

(By unanimous consent, Mr. MICHEL was allowed to proceed out of order.)

## LEGISLATIVE PROGRAM

Mr. MICHEL. Mr. Chairman, I rise for the purpose of inquiring of the distinguished majority leader the program for the balance of this evening, and conceivably how we will proceed tomorrow.

Mr. GEPHARDT. Mr. Chairman, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Missouri.

Mr. GEPHARDT. I thank the gentleman for yielding. We believe we are about to move to a final passage vote on this bill. We will then take up the

rule on the District of Columbia appropriation bill, and we will have the general debate, but no further votes on that bill tonight.

We will then take up three suspension bills, but the votes, if any are required, will be tomorrow.

On tomorrow, we will then go back and finish the District of Columbia bill. We then have the Labor-HHS appropriation bill, and if timing is right, we could move to the Agriculture bill as well. We cannot end the week until all of the appropriation bills that are scheduled, these three, are finished.

Mr. MICHEL. Could I inquire, then, if there are votes ordered on the suspensions that would be taken up later this evening, would those votes be the first votes tomorrow?

Mr. GEPHARDT. That is correct.

Mr. MICHEL. Before completing the District of Columbia bill?

Mr. GEPHARDT. Correct.

Mr. MICHEL. It is my understanding that on the rule for the District of Columbia measure tonight, there is no controversy on that rule, and we would not anticipate a vote?

Mr. GEPHARDT. That would be our hope, but we never know.

Mr. MICHEL. I have been asked how late would we go tonight, but I think if I might interpose my own feeling, if, as the majority leader suggests, we make the kind of progress that could be made, the expectation is such that we can wrap it up. His answer was that we must simply finish all the appropriation bills. That is the goal.

Mr. GEPHARDT. Let me say to the gentleman that all obviously hinges on our ability to move the business and get it done in a timely manner.

## □ 1910

The CHAIRMAN. If there are no other amendments, the Clerk will read. The Clerk read as follows:

This Act may be cited as the "Department of the Interior and Related Agencies Appropriations Act, 1992".

Mr. DE LUGO. Mr. Chairman, the bill before us, H.R. 2686, would meet a number of needs in insular areas associated with the United States.

The territorial and international affairs section would make appropriations for many of the purposes for which the authorizing subcommittee, which I am privileged to chair, recommended Interior Department funding next fiscal year.

The distinguished chairman of the appropriations subcommittee, our colleague, SIDNEY YATES, should be commended for crafting provisions to do so. The assistance he received in this regard from Kathy Johnson of the subcommittee staff should be recognized as should the cooperation of the distinguished ranking Republican of the subcommittee, our colleague RALPH REGULA.

As the representative of the people of the U.S. Virgin Islands, I am pleased that the bill contains further funding to enable the islands to rebuild after the enormous devastation

caused by Hurricane Hugo. A delegation led by our colleague who now chairs the full Interior and Insular Affairs Committee, GEORGE MILLER, found—after inspecting the disaster at my request—that the destruction was so pervasive that it justified extraordinary measures being taken to enable the territory to recover.

This bill would provide \$23.5 million to repair health and educational facilities.

Federal disaster assistance provided already has been significant. Still, even Federal relief officials have admitted that although great strides have been made in restoring the Virgin Islands to normalcy \* \* \* much still needs to be done before full physical, economic, environmental, and psychological recovery is a reality.

Providing the funding contained in this bill would accomplish much of what still needs to be done.

One of the most important provisions of the bill would restore the authority of the elected government of the Trust Territory islands of Palau to determine the islands' budget under its constitution. The provision would prevent the Interior Department's Territorial and International Affairs Office [OTIA] from effectively dictating Palau's budget by earmarking the basic Federal support for operating the government of those western Pacific islands which comprises such a substantial portion of the insular budget.

The need for this provision was created late last year when OTIA unilaterally limited the purposes for which the grant could be spent. Amazingly, it issued this order after the grant was appropriated, so that it effectively limited the purposes for which the Congress had approved funding. Even more amazingly, OTIA issued its order in spite of the intent clearly expressed in the conference report on last year's appropriations bill that Palau have the flexibility to determine spending priorities.

The rewriting of Palau's budget that OTIA required resulted in a number of problems.

One of the most critical was a budget crisis that left substantial portions of Palau's government unfunded for a significant period of time. The crisis ended when a compromise between OTIA and Palau's government was reached after Chairman YATES, other Members and I exerted pressure on OTIA with the intervention of our former colleague who is now Secretary of the Interior, Manuel Lujan, Jr.

Some OTIA personnel tried to justify the agency's actions in this matter as being necessary to ensure that U.S. responsibilities under the trusteeship agreement with the United Nations Security Council for the Territory of the Pacific Islands are met. Yet, OTIA's order failed to fund some responsibilities under the trusteeship agreement as well as under Palau's federally sanctioned constitution. It also underfunded some functions of government. Further, it certainly was contrary to the primary U.S. trusteeship responsibility, which is to promote increasing self-government in Palau.

I believe that OTIA was sincerely trying to respond to problems made abundantly clear by investigations of Palau initiated by the Insular and International Affairs Subcommittee. Unfortunately, its solution to the problems was not the one recommended by the subcommittee. The subcommittee has consistently urged

OTIA to provide Palau with the help it needs to tackle the serious problems it faces, rather than by reimposing Federal authority in areas where decisions should be made locally.

In any case, OTIA's timing was curious. The problems to which the earmarking responded primarily related to a previous administration in Palau which was tainted with corruption. Executive branch officials had supported this administration and even ignored the very serious problems that Palau faced under it until our investigation made those problems apparent to all.

Some of the problems continue; but the earmarking was imposed after Palau's government came to be dominated by capable reformers who are themselves addressing many of these problems.

They deserve the Federal Government's support and their people should not be denied self-government because of problems involving their predecessors.

There was another timing problem with OTIA's action. It hindered action in Palau on the island's future political status.

This is because the action was interpreted as pressure on Palau to approve the Compact of Free Association approved by the United States; but not approved by the people of Palau in seven referenda to date. Under this theory, OTIA's order was intended to be a message to Palau's people that, if they want to make decisions such as those involved in writing a local budget, they should approve the Compact.

I am confident that this was not OTIA's intent. But anyone who understands Palau would understand that the Palauan people wouldn't bow to such pressure.

OTIA officials now appear to be more aware than they were last year that they should try to work out how Federal support for Palau's government will be used with Palau's leaders \* \* \* and this is the intent of this legislation. In particular OTIA's head, Assistant Secretary Stella Guerra, is an astute individual who, I think, will want to work cooperatively with Palau rather than confrontationally. So, I hope that the policy of this bill will be consistent with the approach that OTIA will begin to practice.

In terms of funding for Palau, instead of continuing funding for the operations grant at the current level, as proposed by the President, this bill would increase it, as recommended by the Interior and International Affairs Subcommittee.

Some of the \$1 million increase would be used to operate the new hospital in Palau. The Insular and International Affairs Subcommittee has been able to get this tremendously needed facility funded with the help of the Interior Appropriations Subcommittee over the opposition of the executive branch. The bill includes the final \$2 million needed to complete construct and equip the hospital.

The Insular and International Affairs Subcommittee also recommended funding for additional capital improvements in Palau. The Interior Appropriations Subcommittee bill would provide \$7.5 million for essential infrastructure in the islands.

A U.S. nuclear test in 1954 exposed Rongelap Atoll in the Marshall Islands to a high level of radiation. A 1982 Energy Department study concluded that Rongelap was safe

for its people to live on; but contained information that caused the islanders to evacuate their homeland in 1985 because of doubts about this conclusion.

The people of Rongelap now live on an island in Kwajalein Atoll under grim conditions and uncertainty about their health and the safety of their homeland and their own health.

The Compact of Free Association Act of 1985 included a provision which originated in the Interior and Insular Affairs Committee—in spite of some objections—that commits the United States to take any necessary measures to make Rongelap safe and requires a study.

The Insular and International Affairs Subcommittee recommended funding for the study and the people of Rongelap. The Interior Appropriations Subcommittee bill includes \$1 million for the study, and \$2 million more to make it possible for the people to return to their atoll, including up to \$500,000 to improve living conditions while they have to live away from their homeland, pending its cleanup and resettlement.

It was obvious that the immigration provisions of the Compact of Free Association with the Federated States of Micronesia and the Marshall Islands would impose costs on Guam and the Northern Mariana Islands. So, the 1985 Compact Act included a provision which originated in the Interior and Insular Affairs Committee—again in spite of some objections—which requires the executive branch to identify compact costs to United States insular areas and authorizes any funds necessary to cover the costs.

The administration has not submitted the required information; but the governments of Guam and the Northern Mariana Islands have identified education, health care, law enforcement, and other costs. The Insular and International Affairs Subcommittee recommended funding—noting that benefits from the compact migration should also be considered in calculating the bottom line costs. This bill would provide \$1.5 million for Guam and \$500,000 for the Northern Mariana Islands in initial funding for this purpose. It is intended that these amounts be supplemented by technical assistance funding from OTIA, as may be justified.

As in the case with Palau, the Insular and International Affairs Subcommittee believes that the President's proposal to continue support for the operations of the government of American Samoa at the current level—effectively decreasing it by the factor of inflation—is unrealistic. We recommended an increase and this bill would provide an additional \$1 million.

The subcommittee also disagreed with the President's proposal to decrease capital improvements in American Samoa, a U.S. territory that faces severe constraints to development and lacks many of the basic facilities needed for a decent quality of life. It recommended an increase and this bill would provide an additional \$5.3 million.

There has been no doubt about the need for a new air traffic control tower at the airport in Saipan in the Northern Mariana Islands. The only real question has been how to pay for it.

For a few years, the issue was caught in a "Catch-22" predicament. The Federal Aviation Administration proposed funding because of the dangerous situation. The Appropriations



Committee denied it, proposing that it come, instead, from the primarily Japanese users of the airport. The State Department blocked Japanese interest in funding it because of a shortsighted unwillingness to let any member of the American political family receive needed assistance from another nation. The end result was no funding for the tower until we succeeded in having initial funds appropriated last year. The bill includes \$2.5 million for most of the balance.

We also succeeded last year in obtaining initial funding to improve facilities of the College of Micronesia authorized before the Compact of Free Association with the Federated States and the Marshall Islands was approved. Last year's funding initiated by the Congress began to fulfill a commitment that the executive branch made in implementing the Compact with Federated States in 1986.

The additional \$4 million authorized, which was recommended by the Insular and International Affairs Subcommittee, is included in this bill.

Enewetak Atoll in the Marshall Islands was also contaminated by U.S. nuclear testing. The 1985 Compact Act included a provision which originated in the Interior and Insular Affairs Committee—once again in spite of some objections—that committed the United States to help support the nutritional needs of the people of Enewetak until their atoll could once again safely provide an adequate amount of food.

The executive branch has continued to oppose funding; but the Insular and International Affairs Subcommittee has supported it. This bill contains \$1.1 million for it.

The Insular and International Affairs Subcommittee recommended in 1988 the OTIA assist insular governments in operating and maintaining essential infrastructure and a program was initiated to do so. The President proposed halving funding for the program in this bill to \$2.5 million; but the Insular and International Affairs Subcommittee disagreed. This bill would provide an additional \$2.5 million to continue the program at the current level.

Mr. Chairman, the Interior Appropriations bill does not include all of the funding recommended by the Insular and International Affairs Subcommittee; but it does include most of it. I have detailed some of what it contains to indicate why it should be supported and why our colleague from Illinois, Mr. YATES, and the subcommittee that he chairs should be appreciated from developing it.

We are particularly appreciative of this legislation's insular provisions because of the tremendous constraints on the budget. According to one publication, Chairman YATES said that the limitations on discretionary spending forced the subcommittee to ignore needs that are overwhelming.

I urge the House to approve the bill.

Mr. LEHMAN of California. Mr. Chairman, I rise in support of the bill H.R. 2686, the Interior and Related Agencies appropriations bill for fiscal year 1992.

As a result of the Budget Enforcement Act of 1990, I know Chairman YATES had to turn down many worthy requests for funding, some of which were mine. However, I feel the bill does include money for some very important projects in my district.

Among those projects is the \$1.1 million in research money which would protect forests from the devastating bark beetle infestation which has affected nearly all of the forests in my district. In addition, \$500,000 was approved for special bark beetle initiatives to be used by the State and private forests. Three hundred thousand forty-five dollars has been directed to the U.S. Department of Agriculture's Fresno research facility for old growth forest research.

I view the establishment of the new emergency Forest Service firefighting fund which contains \$112 million as a new recognition by the Federal Government that firefighting must have its own fund, instead of the yearly borrowing from other needy programs which has been the norm.

Additionally, California will receive approximately \$10.9 million for the Federal Payment-in-Lieu of Taxes [PILT] Program. This program provides funding to help local governments provide basic services that it might otherwise forgo because of an abundance of federally-owned lands that prevents a reliable tax base. Yosemite National Park will receive \$2 million for much needed maintenance of roads in the park.

Finally, I am pleased that language to prohibit further degradation of our stream system was included by disallowing the issuance of special use permits for two ill-advised and unnecessary hydroelectric projects on the Lewis Fork Creek and on Rock Creek, both located in Madera County in my congressional district. This prohibition is a no-cost preventative measure which will save untold sums of money later by preventing the loss of fisheries habitat and mitigation costs.

Mr. BENNETT. Mr. Chairman, I rise in support of this bill for the Interior appropriations, and specifically to thank the committee and its fine and able chairman, Mr. YATES, for including much needed funds for the Timucuan Preserve. This historic and ecological preserve contains 10 important historic sites going back to a 1598 Spanish mission and many French, Spanish, English, Confederate, and United States forts. Land acquisition is under way and thus the funds furnished by this bill are very timely. I am deeply grateful to the committee for its help in this.

Mr. ESPY. Mr. Chairman and other distinguished members of this committee, I rise today to express my support of the Department of the Interior and related agencies appropriations bill for fiscal year 1992. I would like to take this opportunity to highlight several programs which are of significant interest to my constituents.

I extend a special note of gratitude to the committee for their inclusion of an appropriation in the amount of \$200,000 for the Mississippi River Corridor Study Act. The Mississippi River Corridor Study Act stands to set a new standard for ensuring that the mighty Mississippi can be used and preserved for generations. Forty-one percent of the Nation's surface water drains down the Mississippi River—it is a resource of national significance, a living, working river that has created folklore, culture, and commerce for generations. By funding this program in fiscal year 1992, this committee has taken steps to ensure that this great river will continue to thrive.

I am also appreciative of the committee's recognition of the Grand Bay National Wildlife Refuge, located on the Mississippi gulf coast, as demonstrated through an appropriation of \$1,000,000. The Grand Bay Savanna is the largest and least disturbed wet savanna in the United States. Its land features are characterized by pine and cypress savannas, brackish and salt marshes, shell middens, and marsh islands.

The Grand Bay Savanna serves as a critical ground water recharge area for the local communities that are now facing potential potable water shortages due to increased usage and higher salinity levels in the aquifer. The fresh water produced from this area supplies one of the most productive estuaries in the world, which, in turn, supports both Mississippi and Alabama's commercial and sport fishing industries. In addition, this once vast region serves as the habitat for 21 rare or endangered species in Mississippi and Alabama, and is currently being studied as a potential reintroductions nesting site for bald eagles.

Tourists from our region and the rest of the Nation will benefit from the highway improvements provided in the appropriations made to the Natchez Trace Parkway and Natchez National Historical Park, which total \$13,000,000 and \$470,000, respectively. The Natchez Trace Parkway will receive an additional \$5,500,000 in funds from the Federal Highway Lands Program, as requested by the administration, which will be used for resurfacing existing sections of the parkway and for improvements to the shoulders of the highway.

The Natchez Trace Parkway is a major historical asset to my region of the country, which runs from Natchez, MS, to Nashville, TN. This 8,000-year-old "line of footprints" was first used by buffalo and Indians, followed by trappers, settlers, and missionaries. From 1800 to 1820, the trace was considered the busiest highway in the South. The Natchez National Historic Park, located 60 miles south of Vicksburg, MS, depicts much of the region's history as it relates to Natchez, the first colonial settlement along the Mississippi River.

The city of Vicksburg, MS, will benefit greatly from the continuation of the comprehensive study of the area resources, which received an appropriation of \$165,000. This study seeks to help the community protect and promote its significant cultural, historical, and natural resources. The study area includes the Mississippi riverfront and Yazoo Canal adjacent to the city, the downtown business district, Vicksburg National Military Park, and areas to be evaluated for possible inclusion in the park. The Vicksburg riverfront and cultural landscape study provides an opportunity to look at all of Vicksburg's resources, historic and contemporary, and chart a course for the future that includes the whole community. This study offers Vicksburg the opportunity to move progressively toward the 21st century, and I thank the committee for the inclusion of this project in this appropriations bill.

Again, I would like to thank the committee for recognizing these important projects and for including them in this appropriations bill. The environmental and economic impact of these projects will be of benefit to Mississippians throughout the State.

Mr. KOSTMAYER. Mr. Chairman, I rise to commend the chairman of the Appropriations Subcommittee on Interior, Mr. YATES, for his outstanding effort in bringing to the floor today a bill that makes great strides in protecting the natural and historic heritage of our country.

I would like to express my appreciation to the chairman and the subcommittee for granting my request for the support of four projects in the fiscal year 1992 Interior appropriations bill that have special significance for citizens in eastern Pennsylvania.

First, the subcommittee has continued funding of the Delaware and Lehigh Navigation Canal National Heritage Corridor, first established in 1988 as a result of legislation introduced by my colleague, Representative DON RITTER, and myself. The \$350,000 the Subcommittee has provided for fiscal year 1992 will enable the Heritage Corridor Commission created by our 1988 legislation to continue its important efforts at preserving and restoring this vital 150 mile historic corridor.

Second, the subcommittee has provided \$100,000 for the National Park Service to continue to assist the coalition I have organized in the Philadelphia metropolitan area to protect farmland and other important open space areas in southeastern Pennsylvania. The goal to save vanishing green spaces around the city of Brotherly Love will move a step closer this year as conservation groups, private businesses, local governments, and concerned citizens begin to implement plans to advise communities on the mechanisms available to save open space and the importance of linking these open spaces throughout the Delaware Valley. The funds appropriated for the National Park Service will enable that agency to help community leaders find ways to preserve some of our most threatened natural areas and resources. I am truly excited about making the Philadelphia greenbelt a reality, and the provision of funds for this effort for the second time will bring us very close.

Third, the subcommittee has seen fit to establish a field office of the U.S. Fish and Wildlife Office in eastern Pennsylvania. I have been seeking such an office for more than 18 months in an effort to improve agency responsiveness on wetland protection and permit processing, protection of endangered species and open space, implementation of Superfund cleanup strategies, and protecting waterfowl habitat along the Delaware River and in the Delaware estuary.

Fourth, the subcommittee has agreed to provide more than \$1 million for increased protection at the Gettysburg National Military Park. This money comes at a very important time. Though Representative GOODLING and I were successful in enacting legislation in the 101st Congress to expand the boundaries and the protections afforded the battlefield, already new pressures to invade the sanctity of this great national monument are upon us. A 321,000-square-foot shopping center is now being proposed to be built within sight of the battlefield and actually inside the Gettysburg historic district. The funds being made available today will be utilized in an effort to expand the park by acquiring properties identified in our recently-passed legislation. An additional \$75,000 is also being provided for

technical assistance to the community relating to land use planning and zoning.

I look forward to working with the subcommittee again in the future to protect and enhance the scenic and recreational values of the Commonwealth of Pennsylvania.

Mrs. VUCANOVICH. Mr. Chairman, I wish to thank the chairman of the Subcommittee on Interior and Related Agencies of the Appropriations Committee, Mr. YATES, and the ranking Member, Mr. REGULA, for their consideration on the point of order raised by Chairman RAHALL of the Mining Subcommittee of the Interior and Insular Affairs Committee, of which I am the ranking Member.

I also serve on the full Appropriations Committee, and I had sought unsuccessfully to keep the administration's proposal for a \$100 annual holding fee on each and every mining claim held under the act of May 10, 1872, as amended, from being included in the subcommittee's markup. Chairman YATES would have been willing to oblige me on this issue were it not for the scoring that the Congressional Budget Office gave to this measure, \$40 million of revenue to the Federal Treasury.

Mr. Chairman, this revenue estimate is without foundation. The CBO and OMB are simply guessing at the elastic response the mining community would have to this new tax. The proposal is that mining claimants simply send the money that they are now required to spend on development of their claims to Washington, DC, instead. This will do nothing to aid in finding ore deposits or in cultivating mines on the public lands of the West where the mining law operates. In fact it would devastate the economies of rural areas in Nevada, and elsewhere, which are dependent upon miners spending their exploration and development dollars locally.

Chairman RAHALL and I both agree that diligent development of the mineral lands in the public domain is in the Nation's best interest. Our Mining and Natural Resources Subcommittee is currently considering legislation to reform the mining law of 1872, as amended. While we may disagree on reform issue, we do agree that the Interior Committee should be given proper opportunity to act and that the appropriators ought not to legislate actions that would undo the deliberations of the authorizers.

For these same reasons, I have sought to strike the moratorium in this bill on BLM's issuance of patents under the mining law. Unfortunately, Chairman RAHALL does not agree with me on this issue and the patenting moratorium will remain in the bill to be sent to the Senate.

Likewise, although the Rules Committee issued a rule allowing a point of order to rest against the 33 1/3 percent grazing fee increase in the Appropriations Committee reported bill, they also saw fit to make the amendment to be offered by Mr. SYNAR in order. This amendment, which would invoke a much higher grazing fee increase, also constitutes legislating in an appropriations bill. Furthermore, the authorizing committees of jurisdiction, Interior and Insular Affairs, and Agriculture, both are looking at the grazing issue. There simply is no justification for this appropriations bill to be a vehicle to legislate an outrageous fee increase

without proper hearings and opportunity for debate.

Mr. GOSS. Mr. Chairman, first, I would like to thank the appropriators for, once again, indulging the Florida delegation in our annual pilgrimage to the committee seeking a moratorium on leasing and drilling activities in the most sensitive portions of the eastern Gulf of Mexico. Most of the residents of my district can breathe a sigh of relief that their coastline will be protected from drilling activities for 1 more year. But there is still much work to be done, especially since there are more than 200 existing leases in the panhandle of the State that do not fall under any moratorium.

The Florida coastline is a treasure trove of fragile ecosystems. The west coast of Florida contains scenic estuaries and coral reefs, spectacular beaches, sparkling waters, habitats for endangered species, and abundant fisheries. In addition to these wonders of nature, the Florida mangroves are one of the most productive natural ecosystems in the world. Introducing oil and gas into this environment could be devastating, not just to the resources, but to the State's entire economy, which relies heavily on tourism and seafood production.

I would not be surprised if the appropriators are as frustrated as we are with our yearly efforts to keep oil and gas activities away from our coasts. Frankly, I do not find these yearly extensions of a drilling ban to be the most efficient, sensible way of doing business. A 100-mile buffer zone and a permanent ban in these areas, coupled with a comprehensive national energy strategy that reduces our dependence on oil through increased conservation and successful development of alternative, sustainable fuels, would make much more sense.

As pleased as I am for the State of Florida, I am somewhat disappointed with the bill's overall policy toward Outer Continental Shelf activities. The message is easy to understand, mainly because the message never changes—increased oil and gas production will continue to be encouraged.

In the aftermath of the Persian Gulf war, the rhetoric about reducing our dependence on oil through increased conservation and successful development of alternative, sustainable fuels is louder than ever. But from what I see, the rhetoric has yet to translate into action.

Mr. GINGRICH. Mr. Chairman, I direct your attention to the legislation before us—H.R. 2686, the Interior appropriations bill for fiscal year 1992. In particular, Mr. Chairman, I direct your attention to what's missing from it.

In 1986, the United States and Canada entered into an historic agreement called the North American Waterfowl Management Plan. This agreement, which is designed to arrest the recent dramatic decline in migratory waterfowl, establishes 15-year goals toward habitat restoration and enhancement. In 1989, Congress showed its strong support for the plan by approving the North American Wetlands Conservation Act.

For this current fiscal year 1991, we appropriated an additional \$15 million for the plan over the amount available from its permanent appropriation. This funding, which is matched by private, State, and Canadian moneys, has enabled us to take the first steps toward real-



izing the goals of the Waterfowl Management Plan.

For fiscal year 1992, however, the bill before us does not include this additional \$15 million, despite a request for the funding from our President.

Mr. Chairman, now is not the time to renege on our commitment to conservation. This \$15-million appropriation must be included in the final version of the Interior appropriations bill. The conferees should take notice of the environmental significance of restoring North America's critical migratory waterfowl habitat.

Mr. ESPY. Mr. Chairman, I rise today to express my support of the Department of the Interior and related agencies appropriations bill for fiscal year 1992. I would like to take this opportunity to highlight several programs which are of significant interest to my constituents.

I extend a special note of gratitude to the committee for their inclusion of an appropriation in the amount of \$200,000 for the Mississippi River Corridor Study Act. The Mississippi River Corridor Study Act stands to set a new standard for insuring that the mighty Mississippi can be used and preserved for generations. Forty-one percent of the Nation's surface water drains down the Mississippi River—it is a resource of national significance, a living, working river that has created folklore, culture, and commerce for generations. By funding this program in fiscal year 1992, this committee has taken steps to ensure that this great river will continue to thrive.

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used by buffalo and Indians, followed by trappers, settlers, and missionaries. From 1800 to 1820, the trace was considered the busiest highway in the South. The Natchez National Historic Park, located 60 miles south of Vicksburg, MS, depicts much of the region's history as it relates to Natchez, the first colonial settlement along the Mississippi River.

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Again, I would like to thank the committee for recognizing these important projects and for including them in this appropriations bill. The environmental and economic impact of these projects will be of benefit to Mississippians throughout the State.

Mr. SHAW. Mr. Chairman, I rise in reluctant opposition to the amendment to H.R. 2686, the Interior and Related Agencies appropriations bill for fiscal year 1992. Congressman CRANE's amendment would strike funding for the National Endowment for the Arts [NEA] for this fiscal year.

Although I generally support funding for the NEA, my support for the NEA is growing tepid because of the regional funding inequities seemingly inherent in the way the NEA distributes funds to the States. I refer specifically to the gross discrepancy between the amount of NEA funds distributed to the State of New York, as compared to the amount given to the 17 States which comprise the Sun Belt region.

For example, according to NEA fiscal year 1989 statistics, New York State alone received a whopping \$11.1 million more in NEA grant money than all of the Sun Belt States combined. New York garnered an incredible \$39.9 million in NEA funds, while the 17 Sun Belt States, Virginia, West Virginia, North Carolina, South Carolina, Georgia, Florida, Mississippi, Alabama, Louisiana, Texas, New Mexico, Arizona, Missouri, Oklahoma, Tennessee, Kentucky, and Arkansas, received only \$28.8 million.

Overall, New York easily led the Nation in NEA grant money in 1989. California ranked a distant second with \$16.2 million, getting less than half of New York's share. Texas, the third largest State in the Nation, led the Sun Belt region, ranking eighth nationally and receiving \$4.7 million. My home State of Florida, the 4th largest State in the Nation, received a paltry \$1.9 million and ranked 17th. Arkansas was ranked dead last among the 50 States, receiving only \$51,950 from the NEA in 1989.

New York's take from the NEA is so large, that not even the Sun Belt, combined with the

NEA funds given to Idaho, Alaska, Delaware, Kansas, Maine, Montana, North Dakota, New Hampshire, Nevada, Rhode Island, South Dakota, Vermont, Wyoming, Iowa, and Nebraska can equal New York's share. I find it incredible that 1 State can receive more funds than 32 States from a Government agency that ostensibly is interested in all regions of the country.

As cochairman of the congressional Sun Belt caucus, I wrote an article for the caucus' newsletter, hoping to alert the 154 members of the Sun Belt caucus to this disturbing fact. I was hoping that by bringing this fact to light, the NEA would correct this inequity for fiscal year 1990. Unfortunately for artists in the Sun Belt, this was not to be the case.

For fiscal year 1990, I found that the funding discrepancy still existed between New York and the 17 Sun Belt States, although the difference was not as dramatic as fiscal year 1989's figure. According to NEA statistics, New York garnered \$33.65 million in NEA funds, compared to the Sun Belt's share of \$28.9 million, for a difference of \$4.75 million, last year. New York easily led the Nation again in NEA funding, receiving more than double the amount of funding received by California, which at \$15.96 million was a distant second. New York's share from the NEA is still so large that not even the 17 Sun Belt States, combined with NEA funds given to Delaware, Idaho, North Dakota, New Hampshire, Nevada, South Dakota, Wyoming, and Hawaii can equal New York's huge share.

This regional funding inequity is obscene, a work with which I am sure the NEA is familiar. I voted against the Crane amendment this time; I did however, support the Stearns amendment, which would have cut \$7.4 million from the NEA. I voted for the Stearns amendment mainly to register my displeasure over the meager funds the Sun Belt receives from the NEA.

Mr. Speaker, I realize that New York is considered by many to be the cultural center of the Nation. However, I wonder how many aspiring artists in the rest of the country simply lack the resources to develop their artistic potential. The National Endowment for the Arts is a national program—not a New York program. I will continue to follow this issue closely, and I plan to become more active on this issue in my role as cochairman of the congressional Sun Belt caucus, especially when the NEA is due for reauthorization. This funding inequity is unfair and must be changed, either internally by the NEA, or if the NEA is unwilling, by the Congress.

Mr. YATES. Mr. Speaker, I move that the Committee do now rise and report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. GEPHARDT) having assumed the chair, Mr. GORDON, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2686) making appropriations for the Department of the Interior and re-

lated agencies for the fiscal year ending September 30, 1992, and for other purposes, had directed him to report the bill back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill, as amended, do pass.

The SPEAKER pro tempore (Mr. GEPHARDT). Without objection, the previous question is ordered.

There was no objection.

The SPEAKER pro tempore. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The amendments were agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time and was read the third time.

The SPEAKER pro tempore. The question is on the passage of the bill.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. REGULA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 345, nays 76, not voting 11, as follows:

[Roll No. 196]

YEAS—345

Abercrombie	Collins (MI)	Gejdenson
Ackerman	Conyers	Gephardt
Alexander	Cooper	Geren
Anderson	Costello	Gibbons
Andrews (ME)	Coughlin	Gilchrest
Andrews (TX)	Cox (IL)	Gillmor
Anunzio	Coyne	Gilman
Anthony	Cramer	Glickman
Applegate	Darden	Gonzalez
Aspin	Davis	Goodling
Atkins	de la Garza	Gordon
AuCoin	DeFazio	Goss
Bacchus	DeLauro	Grandy
Barnard	Dellums	Green
Bateman	Derrick	Guarini
Beilenson	Dickinson	Gunderson
Bennett	Dicks	Hall (OH)
Bentley	Dingell	Hall (TX)
Bereuter	Dixon	Hamilton
Berman	Donnelly	Hammerschmidt
Bevill	Dooley	Hansen
Bilbray	Dorgan (ND)	Harris
Bliley	Downey	Hatcher
Boehlert	Durbin	Hayes (IL)
Bonior	Dwyer	Hayes (LA)
Borski	Dymally	Hefner
Boucher	Early	Hertel
Boxer	Eckart	Hoagland
Brewster	Edwards (CA)	Hobson
Brooks	Edwards (OK)	Hochbrueckner
Browder	Edwards (TX)	Hopkins
Brown	Engel	Horn
Bruce	English	Horton
Bryant	Erdreich	Houghton
Bustamante	Espy	Hoyer
Byron	Evans	Hubbard
Callahan	Fascell	Huckaby
Campbell (CA)	Fazio	Hughes
Campbell (CO)	Feighan	Hutto
Cardin	Fish	Hyde
Carper	Flake	James
Carr	Foglietta	Jefferson
Chandler	Ford (MI)	Jenkins
Chapman	Ford (TN)	Johnson (CT)
Clay	Frank (MA)	Johnson (SD)
Clement	Franks (CT)	Johnston
Clinger	Frost	Jones (GA)
Coleman (MO)	Galleghy	Jones (NC)
Coleman (TX)	Gallo	Jontz
Collins (IL)	Gaydos	Kanjorski

Kaptur	Murphy	Schumer
Kennedy	Murtha	Serrano
Kennelly	Myers	Sharp
Kildee	Nagle	Shaw
Klecza	Natcher	Shays
Klug	Neal (MA)	Shuster
Kolter	Neal (NC)	Sikorski
Kopetski	Nowak	Sisisky
Kostmayer	Oakar	Skaggs
LaFalce	Oberstar	Slattery
Lagomarsino	Obey	Slaughter (NY)
Lancaster	Olin	Slaughter (VA)
Lantos	Oliver	Smith (FL)
LaRocco	Ortiz	Smith (IA)
Laughlin	Owens (NY)	Smith (NJ)
Leach	Owens (UT)	Snowe
Lehman (CA)	Oxley	Solarz
Lehman (FL)	Pallone	Spence
Lent	Panetta	Spratt
Lewis (MI)	Parker	Staggers
Lewis (CA)	Patterson	Stallings
Lewis (FL)	Payne (NJ)	Stark
Lewis (GA)	Pease	Stearns
Lightfoot	Pelosi	Stokes
Lipinski	Perkins	Studds
Lloyd	Peterson (FL)	Sweet
Long	Peterson (MN)	Swift
Lowery (CA)	Pickett	Synar
Lowey (NY)	Pickle	Tallion
Luken	Porter	Tanner
Machtley	Poshard	Tauzin
Manton	Price	Taylor (NC)
Markey	Pursell	Thomas (CA)
Martinez	Quillen	Thomas (GA)
Matsui	Rahall	Thornton
Mavroules	Ramstad	Torres
Mazzoli	Rangel	Torricelli
McCandless	Ravenel	Towns
McCloskey	Ray	Trafiacant
McCollum	Reed	Traxler
McCurdy	Regula	Unsoeld
McDade	Richardson	Valentine
McDermott	Ridge	Vander Jagt
McEwen	Riggs	Vento
McGrath	Rinaldo	Viscosky
McHugh	Ritter	Volkmmer
McMillen (MD)	Roe	Walsh
McNulty	Roemer	Washington
Meyers	Rogers	Waters
Mfume	Ros-Lehtinen	Weber
Michel	Rose	Weiss
Miller (CA)	Rostenkowski	Weldon
Miller (OH)	Roukema	Wheat
Miller (WA)	Rowland	Whitten
Mineta	Roybal	Williams
Mink	Russo	Wilson
Moakley	Sabo	Wise
Molinar	Sanders	Wolf
Mollohan	Sangmeister	Wolpe
Montgomery	Sawyer	Wyden
Moody	Saxton	Wyllie
Moran	Scheuer	Yates
Morella	Schiff	Yatron
Morrison	Schroeder	Young (AK)
Mrazek	Schulze	Zimmer

NAYS—76

Allard	Fields	Payne (VA)
Andrews (NJ)	Gekas	Penny
Archer	Gingrich	Petri
Armey	Gradison	Roberts
Ballenger	Hancock	Rohrabacher
Barrett	Hefley	Roth
Barton	Henry	Santorum
Bilirakis	Herger	Sarpalius
Boehner	Holloway	Schaefer
Broomfield	Hunter	Sensenbrenner
Bunning	Inhofe	Skeen
Burton	Jacobs	Skelton
Camp	Johnson (TX)	Smith (OR)
Coble	Kasich	Smith (TX)
Combest	Kolbe	Solomon
Condit	Kyl	Stenholm
Crane	Marlenee	Stump
Cunningham	Martin	Sundquist
Dannemeyer	McCrery	Taylor (MS)
DeLay	McMillan (NC)	Thomas (WY)
Doolittle	Moorhead	Upton
Dornan (CA)	Nichols	Vucanovich
Dreier	Nussle	Walker
Duncan	Orton	Zeliff
Emerson	Packard	
Fawell	Paxon	

NOT VOTING—11

Baker	Ireland	Savage
Cox (CA)	Levine (CA)	Waxman
Gray	Livingston	Young (FL)
Hastert	Rhodes	

□ 1928

Mr. SERRANO changed his vote from "nay" to "yea."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

#### PERSONAL EXPLANATION

Mr. COX of California. Mr. Speaker, I was unavoidably detained during the last vote on final passage of H.R. 2686. Had I been present, I would have voted "nay."

#### AUTHORIZING THE CLERK TO MAKE TECHNICAL CORRECTIONS IN H.R. 2686, DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATION ACT, 1992

Mr. YATES. Mr. Speaker, I ask unanimous consent that in the engrossment of the bill, H.R. 2686, the Clerk shall be authorized to make any and all necessary technical corrections.

The SPEAKER pro tempore (Mr. TAUZIN). Is there objection to the request of the gentleman from Illinois?

There was no objection.

□ 1930

#### REMOVAL OF NAME OF MEMBER AS COSPONSOR OF H.R. 2510

Mr. HERGER. Mr. Speaker, I ask unanimous consent to have the name of the gentleman from California [Mr. MATSUI] removed as a cosponsor from my bill, H.R. 2510.

The SPEAKER pro tempore (Mr. TAUZIN). Is there objection to the request of the gentleman from California?

There was no objection.

#### PERMISSION FOR COMMITTEE ON GOVERNMENT OPERATIONS TO SIT DURING 5-MINUTE RULE ON WEDNESDAY, JUNE 26, 1991

Mr. CONYERS. Mr. Speaker, I ask unanimous consent that the Committee on Government Operations be permitted to sit during the proceedings under the 5-minute rule on Wednesday, June 26, 1991.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

Mr. WALKER. Mr. Speaker, reserving the right to object, I will ask the gentleman from Michigan [Mr. CONYERS] whether this has been cleared by the minority. We have no information on this side that it has been cleared.



Mr. CONYERS. Mr. Speaker, will the gentleman yield?

Mr. WALKER. I yield to the gentleman from Michigan.

Mr. CONYERS. Mr. Speaker, I am happy to advise the gentleman from Pennsylvania [Mr. WALKER] that it has been cleared.

Mr. WALKER. Mr. Speaker, I thank the gentleman from Michigan [Mr. CONYERS].

Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Michigan?

There was no objection.

#### DISTRICT OF COLUMBIA SUPPLEMENTAL APPROPRIATIONS AND RESCISSIONS ACT, 1991

Mr. WHEAT. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 181 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

##### H. RES. 181

*Resolved*, That all points of order against consideration of the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, for failure to comply with the provisions of clause 2(1)(6) of rule XI and clause 7 of rule XXI are hereby waived. During consideration of the bill, all points of order against the provisions in the bill for failure to comply with the provisions of clause 2 of rule XXI are hereby waived.

The SPEAKER pro tempore. The gentleman from Missouri [Mr. WHEAT] is recognized for 1 hour.

Mr. WHEAT. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Tennessee [Mr. QUILLEN], and pending that I yield myself such time as I may consume.

Mr. Speaker, House Resolution 181 is a rule waiving points of order against provisions of H.R. 2699, making appropriations for the Government of the District of Columbia for fiscal year 1992, and for other purposes.

House Resolution 181 provides waivers of clause 2 (1)(6) of rule XI and clause 7 of rule XXI to allow immediate consideration of the bill. The rule also waives clause 2 of rule XXI against all provisions in the bill. Both the chairman of the House Committee on the District of Columbia and the ranking minority member on the District of Columbia Subcommittee on Appropriations have expressed their support of this waiver.

Mr. Speaker, continuing in the spirit of cooperation that produced this appropriations bill and that approved the formula for the Federal payment to the District of Columbia, I urge adoption of the rule so the House may proceed to timely consideration of H.R. 2699.

Mr. QUILLEN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, the gentleman from Missouri [Mr. WHEAT] has fully explained the provisions of the rule. Since general appropriations bills are privileged, this legislation will be considered under the normal legislative process for appropriations bills. The bill will be open to amendment under the 5-minute rule and any amendment which does not violate the rules of the House will be in order.

Mr. Speaker, H.R. 2699, the bill making appropriations for the District of Columbia for the fiscal year 1992, provides a total of \$700 million in Federal funds. This amount includes a \$630.5 million payment to the District government to compensate the city for lost taxes and other costs associated with the District's role as the Nation's Capital.

I would like to point out, Mr. Speaker, that the administration does have a concern about the legislation. It strongly objects to language in section 114 of the committee bill which would permit the use of congressionally appropriated local funds to finance abortions. According to the administration's policy statement, this would substantially weaken current law.

The administration urges the House to adopt language concerning abortion that was included in the last three District of Columbia appropriations bills. That language prohibited the use of both Federal and local funds to perform abortions, except where the life of the mother would be endangered if the fetus were carried to term. The statement of administration policy notes that the President will veto any District of Columbia appropriations bill that does not contain this language.

Mr. Speaker, I am hopeful that the concern the administration has can be worked out here on the floor and in conference. I urge adoption of the rule so that the House can complete its action promptly on the bill.

Mr. WHEAT. Mr. Speaker, I thank the gentleman from Tennessee [Mr. QUILLEN] for his support of this rule.

Mr. Speaker, I have no requests for time, I yield back the balance of my time, and I move the previous question on the resolution.

The previous question was ordered.

The resolution was agreed to.

A motion to reconsider was laid on the table.

Mr. DIXON. Mr. Speaker, I move that the House resolve itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes; and pending that motion, Mr. Speaker, I ask unanimous

consent that general debate be limited to not to exceed 1 hour, the time to be equally divided and controlled by the gentleman from New Jersey [Mr. GALLO] and myself.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from California?

There was no objection.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from California [Mr. DIXON].

The motion was agreed to.

The SPEAKER pro tempore. The Chair designates the gentlewoman from Connecticut [Mrs. KENNELLY] as Chairman of the Committee of the Whole, and requests the gentleman from Kentucky [Mr. MAZZOLI] to assume the chair temporarily.

□ 1937

##### IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 2699, with Mr. MAZZOLI (Chairman pro tempore) in the chair.

The Clerk read the title of the bill.

By unanimous consent, the bill was considered as having been read the first time.

The CHAIRMAN pro tempore. Under the unanimous consent agreement, the gentleman from California [Mr. DIXON] will be recognized for 30 minutes, and the gentleman from New Jersey [Mr. GALLO] will be recognized for 30 minutes.

The Chair recognizes the gentleman from California [Mr. DIXON].

Mr. DIXON. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I am pleased this evening to present to my colleagues the District of Columbia appropriations bill for fiscal year 1991.

Mr. Chairman, I want to thank the members of the subcommittee for their support and assistance—especially the gentleman from New Jersey [Mr. GALLO] the ranking member.

Let me point out that this bill is different from the other 12 appropriations bills in the sense that it includes the appropriation of 3 separate kinds of funding: It includes Federal funds of \$700 million; it includes local funds of \$2.8 billion; and it includes capital borrowing authority of \$363 million.

These amounts from three different sources total \$3.9 billion which is the total amount in the this bill.

The other 12 appropriation bills the House considers are all funded from the Federal Treasury. This bill is not.

It is important that Members keep this difference in mind as we debate this bill this evening.

This bill also includes a net reduction of \$44 million in supplemental appropriations and rescissions for fiscal year 1991 consisting of \$250 million in

rescissions and \$206 million in increases.

These are all District funds—there are no Federal funds involved in the District's fiscal year 1991 supplemental.

For fiscal year 1992, the \$700 million in Federal funds is \$48 million above last year's appropriation and \$17 million above the request.

This \$700 million in Federal funds falls into three major categories: \$630.5 million represents the Federal payment to the general fund; \$52.1 million is the Federal contribution to the police, fire, teachers and judges retirement funds; and \$17.3 million is for special health and education programs.

I will take a moment to explain each of these three categories briefly.

#### COMMENDATION OF MARY PORTER

Before I explain those three items, Mr. Chairman, let me take a moment to congratulate the staff that worked on this bill. Although compared to the other 12 bills, relatively speaking the sum of money involved here is not large, but it is of great importance to the District of Columbia. And one of the employees of the District government who works with our Committee staff is Mary Porter. She has worked for and advised our consultants for the past 30 years. She is the one professional and knowledgeable person in the District government that follows the bill from its inception in the Mayor's office to the City Council, to the House, to the other body, to conference and to the Committee on the District of Columbia. And she has done a yeoman's job. She is thorough and her technical competence is second to none. Whatever Mary does, you can rest assured it is correct. She is always pleasant, always dependable, and always punctual. She is a true professional.

□ 1940

Many times as chair of the committee I have not had the opportunity, nor the foresight, to say thank you, but I would like to say thank you to Mary Porter.

Madam Chairman, as you know, this is a committee that really acts in a bipartisan way. There is a new young lady who has done, if I may say so to the gentleman from New Jersey [Mr. GALLO], a great job. She comes up with the right questions at the right time. In a short period of time, she has demonstrated a thorough knowledge of the operations of the District government. That person is Donna Mullins.

Of course, I would be neglectful if I did not say that Americo Miconi, who I know many Members call upon for questions about the District and who has served with me for 12 years and has been here some 20 years, has done an outstanding job as my chief counsel on the committee. Not only is he a walking encyclopedia of District government matters, but he is always a gen-

tleman and takes whatever time is necessary to assist Members and their staffs as well as officials of the District government.

#### FEDERAL FUNDS

First, we recommend a Federal payment of \$630.5 million.

Legislation was passed by this House earlier this month authorizing a Federal payment of \$630 million for fiscal year 1992.

The Federal payment authorization was last increased by Public Law 98-316, approved June 12, 1984.

Second, we have included in the bill \$52.1 million as the Federal contribution to the police officers, fire fighters, teachers, and judges retirement funds. This is the 13th of 25 annual payments which will total \$1.3 billion and was authorized by Public Law 96-122.

Third, we recommend additional Federal funds of \$17 million above the request primarily for special health and education programs. Let me touch briefly on each of these items; 12 million is for D.C. General Hospital to improve and expand services to ease the financial burden placed on private hospitals who provide medical care to uninsured and are not compensated—this \$12,000,000 will also provide for physicals and immunizations for preschool and school age children; \$1 million is for the D.C. Institute for Mental Health to provide professional mental health care to low-income, underinsured, and indigent children, adults, and families in the District of Columbia; \$50,000 is for the police department to be used at the chief's discretion for community patrol activities; \$25,000 also for the police department is for an accreditation study; \$1.1 million is for the public schools for renovations to athletic and recreation facilities and for maintenance and repairs; and \$3 million is for children's Hospital for a cost-shared National Child Protection, Trauma, and Research Center estimated to cost \$50 million with most of those funds being raised from the private sector.

#### DISTRICT FUNDS

Mr. Chairman, we recommend \$930 million for public safety and justice programs which include fire and police protection, ambulance service, and support for the city's criminal justice system.

Bill language is included that requires the fire department to reduce overtime and make other improvements before it changes the staffing of its engine companies.

In the area of human support services, the bill includes \$877 million for programs such as drug treatment and education, foster care, mental health programs, and the operation of senior citizen programs.

For public education, the bill includes \$706 million which includes \$519 million for the public schools and \$21

million for the District's library system.

For the various public works activities which include the Metrorail and Metrobus operations as well as the taxicab commission and funds for the city's streets and highways, we recommend \$234 million.

The bill includes \$219 million for the water and sewer enterprise fund which is used to provide safe drinking water and to collect, treat, and dispose of waste water as well as solid waste for the District.

The construction program is funded at a level of \$363 million and includes \$101 million for the Department of Public Works and \$140 million for the Department of Corrections.

#### GENERAL PROVISIONS

Under general provisions, we recommend language under section 114 of the bill that restricts the use of Federal funds for abortions except to save the life of the mother.

We have included language in section 134 of the bill allowing the District to accept and use, with the mayor's approval, donations received for public purposes authorized by law. The language also requires that accurate records be maintained and that the records be made available for audit and public inspection.

Mr. Chairman, it is the clear intent of the committee that nothing in section 134 is to be construed to override, alter, or replace in any way section 132 of this bill. There is no disagreement on the committee with respect to the meaning of section 134.

Section 134 is included in the bill at the request of District officials to allow the city to raise private contributions to replace local revenues for summer jobs and other programs normally funded with appropriations. The city's local revenues are increasing at a much lower rate than in previous years resulting in the curtailment of many programs which the mayor expects to continue with private funds.

#### COMPLIANCE WITH BUDGET RESOLUTION

As far as the budget resolution is concerned, this bill is within the 602(b) allocations of \$700 million in both budget authority and outlays.

#### APPRECIATION TO MEMBERS

In closing, I want to thank all of the members on our subcommittee for their assistance in bringing this bill to the floor today; Mr. NATCHER of Kentucky, Mr. STOKES of Ohio, Mr. SABO of Minnesota, Mr. AUCCON of Oregon, Mr. HOYER of Maryland, Mr. GALLO of New Jersey, the ranking member of our subcommittee, Mr. REGULA of Ohio, and Mr. DELAY of Texas.

I want to especially thank Mr. NATCHER who has been on the subcommittee for 38 years—17 as chairman—and who continues to serve with me.



Mr. Chairman, this is a good bill, and I recommend to the Members that they approve this bill.

Mr. Chairman, I reserve the balance of my time.

Mr. GALLO. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, first, let me commend Chairman DIXON for his leadership on the D.C. Subcommittee. I also want to thank the other members of the subcommittee, including Mr. REGULA and our new Republican member, Mr. DELAY, for their contributions.

Also, the staff deserves recognition for their hard work.

The gentleman from California, has provided a detailed summary of H.R. 2699 which provides the federal payment to the District of Columbia for fiscal year 1992 and approves the District's budget.

Our subcommittee worked very hard to respond to the real needs of the District.

Mayor Dixon promised to streamline District operations and I am convinced that her administration and the council are starting to make these hard decisions. I am encouraged by the Mayor and council's efforts to reduce spending and have been very impressed with the new team that now represents the District of Columbia.

Also, our colleague, the delegate to the House for the District of Columbia, ELEANOR HOLMES NORTON, has contributed greatly to restoring faith and credibility in the D.C. government.

Our bill is consistent with the authorization bill passed by the House.

And, according to the Office of Management and Budget, our bill meets the requirements of the budget resolution and is within our 602(b) allocation.

I will submit the letter from OMB for the RECORD.

The District's budget plan for fiscal year 1992 reflects their commitment to make the hard choices and to get the District of Columbia back on the right track.

For the most part, officials of the District government who testified before our subcommittee have only been on the job a short time and are still trying to cope with the problems left by the last administration.

This is why I support the increase in the Federal payment today.

There are many areas in the District government that need complete overhauling. When the Mayor appears before us next year our subcommittee will be looking for real progress in a number of areas.

We will be looking for real reductions in the bloated District work force, real improvements in the condition of the District school system, and real improvements in the management of all critical agencies.

For now, I ask the Members of the House to join me and the other mem-

bers of our subcommittee in supporting this budget request during this important time of transition for the D.C. government.

Madam Chairman, I reserve the balance of my time.

Mr. DIXON. Madam Chairman, I yield 7 minutes to the gentlewoman from the District of Columbia [Ms. NORTON].

Ms. NORTON. Madam Chairman, the District appropriation request before you today is best understood as an earned increase. It has been earned in two ways. First, the District, almost alone among federally funded entities, took an extraordinary decrease in its appropriation during the past 5 years. While the overall Federal budget increased 56 percent, the payment to the District decreased 18 percent. All the while, the District continued to deliver services to the Federal Government, including police and other vital services, at increased cost to the residents of the District, absorbed by them almost alone. As a consequence, our residents did what, I dare say, no jurisdiction in the country did. We raised local taxes by 50 percent over a period of only 5 years. We are one of the most expensive cities in the United States. With a declining population, more than 20 percent elderly at one end and a Third World infant mortality rate at the other, the District took on additional costs properly charged to the Federal Government. The city now asks for only partial reimbursement as it embarks on a period of what all concede is already one of extraordinary reform under the brave and determined leadership of Mayor Sharon Pratt Dixon.

There is a second sense in which the proposed increase has been earned—and is being earned as we speak. The increase that the District is requesting is currently being matched by corresponding self-help and sacrifices that will save millions of dollars.

First, the District has already made dramatic cuts. Under a new reform-minded administration, the District might have come to the Congress seeking to close its budget deficit by calling upon Federal funds denied and owed for services rendered in the past and tax and development opportunities denied by congressional legislation. Instead, D.C. residents are currently absorbing more than \$200 million in self-inflicted cuts and pay raise deferrals in fiscal year 1991 and another \$200 million of the same for fiscal year 1992—a \$400 million cumulative cut. Mayor Dixon, City Council chair John Wilson, and the D.C. City Council proceeded upon a painful process of absorbing two-thirds of an inherited budget deficit, asking Congress to take on only one-third. This self-help and self-reliance so impressed the Congress that the District's self-mandated cuts became an important factor in the deci-

sion of this body and of the Senate to grant Mayor Dixon's request for a \$100 million dire emergency supplemental. Our decision was received with great enthusiasm by gratified District residents, and I believe that, in turn, the supplemental has been a factor in the willingness of our people to accept and absorb additional sacrifices—financial burdens that will have a special impact during the current recession, which shows no sign of let up in the District economy.

These sacrifices include additional taxes for a city that is already second per capita in the United States in taxes paid. Last month, even after the dire emergency supplemental, Mayor Dixon had to ask the city council for emergency legislation that would increase the already high 6.7 percent gross receipts tax imposed on public utility services and commodities to 9.7 percent. Mindful of the extraordinarily high D.C. taxes residents already pay, the Mayor's bill would exempt residential customers from the increase and reduce their share of these taxes by 3 percent. However, we all know that businesses may yet find a way to charge customers for all or part of the increase, especially considering that D.C. business also pays extraordinarily high taxes.

Further, the Mayor has embarked on an extremely difficult and controversial downsizing of the D.C. government that will ultimately yield millions of dollars in savings. She is seeking emergency legislation from our city council allowing layoffs of up to 2,000 midlevel management employees without bumping out frontline service delivery workers. I know that I do not need to tell the Members of this body that this action is fraught with political risk that demonstrates an especially determined effort.

In point of fact, the District is requesting only \$33.5 million more than the fiscal year 1991 amount, considering the \$100 million supplemental and additional amounts already approved by Congress. Even with the requested increase, the Federal payment will be worth only \$420 million—a decrease from the 1977 payment of \$445 million, in 1982 dollars.

The District incurred incredible hardship for almost 6 years of no increases in the Federal payment. It is time that the host city of the free world enjoyed the relationship with the Congress that the Congress wants and that the new administration has demonstrated that the District also desires. We want to become a proud jewel in our country's crown, as Paris is to France and as London is to England. We are enormously grateful to Congress for your support thus far. We want particularly to thank Mr. JULIAN DIXON who has skillfully worked miracles to help us now and through the years, Mr. DEAN GALLO, the ranking

minority member who has been a skillful friend and statesman when it wasn't easy, and the members of the D.C. Appropriations Committee, whose fairness to the District has been distinctive. The Congress has helped us get part of the way toward the reform you desire and that the District is striving to achieve. Approve the D.C. appropriations as presented unanimously by the appropriate committees. Please do not shortchange reform just as it has begun.

□ 1950

Mr. GALLO. Madam Chairman, I yield 3 minutes to the distinguished gentleman from Virginia [Mr. BLILEY].

Mr. BLILEY. Madam Chairman, I rise today to join the distinguished chairman of the District of Columbia Subcommittee in supporting the increase in the Federal payment contained in H.R. 2699. The Appropriations Committee has raised the level of funding for the Federal payment as envisioned in H.R. 2123, which passed the House on June 11, 1991, in unanimous vote.

I am proud of H.R. 2123 and the strong bipartisan support it enjoyed both in the Committee on the District of Columbia and in the House where it passed. I am pleased that the Appropriations Committee saw fit to fully fund the authorized payment, when it was able to find the funds to do this.

Madam Chairman, there may be attempts tomorrow to reduce this payment. I would only urge my colleagues to resist this.

The District has a difficult road to hoe. It is not going to be easy to turn around what has occurred in the last number of years. The Mayor has begun in a courageous manner to face up to the awesome task. She is going to need all of the help that we can give.

Those of us who reside permanently elsewhere but who work here have a responsibility, too. This is our city. It is a Federal city. It belongs to indeed all Americans and indeed is the most important city in the world. And we have 18 million visitors a year, countless heads of state, and we need to make sure that we present the best possible image we can.

We have been tough. This bill is no giveaway. The Mayor had requested 30 percent, and there are strong arguments that can be made that she might have been entitled to that. The fact is we compromised at 24 percent and that we should not go below.

If we do, we are going to invite another repeat of the Mayor having to come back and ask for a supplemental. I do not think any of my colleagues want to do that, any of them want to have to receive that. And if we do this bill, I do not think we will have to.

□ 2000

Mr. GALLO. Madam Chairman, I yield 5 minutes to the gentleman from California [Mr. ROHRBACHER].

Mr. ROHRBACHER. Madam Chairman, I think we all are very happy that there have been changes for the better in Washington, DC, and that in the District of Columbia today there is a spirit of hope and opportunity that just was not here a year ago and certainly was not here in the years before that. This is due, perhaps, to the fact that in Washington, DC, we have a new Mayor, and all of us wish the Mayor our very best wishes, and I, too, would like to officially go on record here on the floor of the House making sure that I wish her the very best.

Washington, DC, however, should not necessarily be outside of our other budget considerations. I support a major increase in what we are providing the District of Columbia, and as well as I support a structure which will ensure that the District of Columbia can count on a certain percentage of support every year. I think that is justifiable. I think that the efforts to work out exactly what that percentage would be have been long and arduous, and I certainly applaud those people who participated in this.

Tonight I just would like to suggest that we face a major challenge in this country that also has to be considered, and that challenge is something that unless we come to grips with this particular challenge it will overwhelm this country, and that any commitment that we choose to look at in the future and any type of problems that we face and solutions we would like to offer will be just overwhelmed by a huge wave of red ink that is heading in our direction.

Today we are spending \$1 billion a day more than we are taking in, which means we have to make some decisions today on how we can cut down that red ink.

The District of Columbia is not going to be spared from the tough decisions that we have to make, and tomorrow I will be proposing that we keep the increase in the funds that are being delivered to the District of Columbia to a 2.4-percent increase as is consistent with the other pieces of legislation that are being presented before this Congress, because if we keep the percentage of increase down to 2.4 percent, which will, of course, stress that the importance of reforms and stress the importance of making every dollar count, if we do that over a 10-year period with every piece of legislation that comes through this House, by the end of the decade we will have some control over this Federal deficit. I can assure you if we do not get control of the Federal deficit that the Federal deficit will have control of us, and we will not be able to obtain and to move forward and to secure many of the

other goals that we have laid down for ourselves, whether in the District of Columbia or anywhere else, because we have got to be responsible.

Tomorrow my proposal is more aimed at trying to be responsible across the board in the Federal budget, and this happens to be how it affects the District of Columbia and our debate here on this particular issue.

I guess I am just alerting the House today that we will be voting on this tomorrow. I will have more to say. I, again, would like to make sure that no one takes this in the wrong way, and that everyone knows that we are behind the new Mayor, and we hope and wish her the very best.

Mr. GALLO. Madam Chairman, I yield 3 minutes to my colleague, the gentleman from New Jersey [Mr. SMITH].

Mr. SMITH of New Jersey. Madam Chairman, I thank my good friend, the gentleman from New Jersey, for yielding me this time.

Madam Chairman, I want to join my colleagues and associate myself with the remarks of many who have applauded Mayor Dixon and our fondest hopes that she has a very effective tenure as the new Mayor in what is truly a troubled city. She certainly inherited a mess, and we do wish her well, and I think many have expressed that, and I feel the same way.

Madam Chairman, lest there be any misunderstanding, I just want to point out to my colleagues that the legislation before us, while containing a number of important provisions, contains language that effectively reverses current law and permits the District of Columbia to pay for abortion on demand.

While it is true that no Federal funds can be used for abortion except to save the life of the mother, taxpayer funds over which Congress has clear jurisdiction are used to subsidize abortion on demand.

Madam Chairman, the current law, the current policy, I believe, appears to be having some very positive effect. Taxpayer-funded abortion in the District of Columbia declined, for example, from 3,139 in fiscal year 1988 to 1 in fiscal year 1989. Also of significance and of importance, the number of the repeat abortions, the repeat abortion rate which is still terribly high in the District, declined from 55 percent to 50 percent, while the overall number of abortions declined by 847. That is potentially 847 kids who now have life because of the policies that have been put into place.

Let me just, finally, say to my colleagues that the President has made it abundantly clear that he will veto this bill. It is coming back. And I trust that at that time when it comes back, when there is an attempt to override the President's veto, that we will have a full-blown debate on that issue before



the House, and hopefully the President's veto will be sustained.

Mr. GALLO. Madam Chairman, I yield 2 minutes to the gentleman from Tennessee [Mr. DUNCAN].

Mr. DUNCAN. Madam Chairman, I rise in opposition to this appropriation.

The bill calls for a 19-percent increase over last year for a \$630 million Federal payment to the District of Columbia.

If we gave every Department in the Federal Government a 19-percent increase, we would be in even worse financial shape than now, if that is possible. As the gentleman from California [Mr. ROHRBACHER] just pointed out, the Federal Government is losing approximately \$1 billion a day. Our Federal Government is broke, and not only broke, but over \$4 trillion in debt. We are spending money that we do not have.

This city benefits greatly from the presence of our Federal Government. We should not have to pay for the privilege of being here.

The fact that the Congress and all of our Federal departments and agencies are here means hundreds of millions of dollars to the local economy.

Senator BYRD was criticized last year for getting an FBI fingerprint lab in West Virginia. He said at the time something that is true of my home State of Tennessee as well. He said that a \$16,000-a-year job might not be a good job in Washington, but it was a very good job in West Virginia. Actually we need to move more of our Federal agencies out into the country where the land costs and building costs and rental costs and cost of living are much less than here.

Then our Government would be closer to the people it serves, and we would save money to boot.

I urge a no vote on this appropriation.

Mr. GALLO. Madam Chairman, I yield 1 minute to the distinguished gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Madam Chairman, I just wanted to underscore some of the remarks of my colleague, the gentleman from New Jersey [Mr. SMITH], and to give heart to the prolife forces across this country, because I am proud to say it is the Dornan language that is being stripped out of the bill that is going to cause the President to veto it.

I have always had a great working relationship with my distinguished colleague, the gentleman from California [Mr. DIXON], and I assume that we will follow the same reasonable pattern that we did last year, not the year before, when the gentleman from California [Mr. DIXON] had some suspicion that the President would not protect the Dornan language by back-to-back Presidential vetoes. He did. This was 2 years ago.

So last year the gentleman from California [Mr. DIXON] ran through this drill which he is constrained to do that I am not allowed to have life-of-the-mother language in my amendment and get a vote on that on the floor, so we have decided to save our fight for the Presidential veto which will be No. 4, protecting my language, protecting human life. During that time there will be a vigorous debate.

I would suggest to my colleagues in the other party who are proabortion that they are going to have to take the White House to reverse this history. We do have way more than a third in each House to protect human life.

Mr. DIXON. Madam Chairman, I yield myself such time as I may consume.

Madam Chairman, the gentleman from California who just addressed the House is absolutely correct. We have been through this drill before, but I do not think there is anyone on the floor of this House now or any Member of this House who can intellectually rationalize a veto that, yes, the President has given on two or three different occasions on this bill.

The Supreme Court in the Webster decision has said that States have the right to promulgate reasonable rules and regulations as they relate to abortions. And the prolife movement, as I have read and understood that movement, believes that that was a step forward in their cause.

The District of Columbia is likened to a State and should be because it is a separate governmental entity. The gentleman from New Jersey [Mr. SMITH] talked about the Congress having jurisdiction over District matters, and because of the uniqueness of the Federal payment and the fact that the District does not have complete home rule, there is an appropriations committee through which the money for the operators of the District, their own revenues, as well as the Federal payment, must flow.

□ 2010

In that narrow sense, we have this jurisdiction, but if we are to live up to the law and if the President is to address the Supreme Court decision fairly, he could not intellectually come to the conclusion that he has the right—the moral right—to disallow the District from doing something that the Supreme Court has said the 50 States can do. And that is, to promulgate reasonable rules and regulations concerning abortions.

So for that reason, Madam Chairman, I continually send this bill down to him. I cannot think of any good intellectual reason why he continues to veto this bill, but I can continually think of political reasons why he does. I think it is politically wrong for him to appeal to one group of our society, at the expense of the citizens of the

District of Columbia. I think he does great damage to the District and he does great damage to the institution of the Presidency.

Yes, he has the jurisdiction to do something to the District that he cannot do to any other State in this Nation. It is for that reason that we will send this bill back down to him, to let him veto it again if he so desires.

Mr. GALLO. Madam Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. DIXON. Madam Chairman, I have no further requests for time, I yield back the balance of my time, and I move that the Committee do now rise.

The motion was agreed to.

Accordingly the Committee rose; and the Speaker pro tempore (Mr. MAZZOLI) having assumed the chair, Mrs. KENNELLY, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 2699) making appropriations for the government of the District of Columbia and other activities chargeable in whole or in part against the revenues of said District for the fiscal year ending September 30, 1992, and for other purposes, had come to no resolution thereon.

#### ANNOUNCEMENT BY THE SPEAKER PRO TEMPORE

The SPEAKER pro tempore. (Mr. MAZZOLI). Pursuant to the provisions of clause 5 of rule I, the Chair announces that he will postpone further proceedings today on each motion to suspend the rules on which a recorded vote or the yeas and nays are ordered, or on which the vote is objected to under clause 4 of rule XV.

Such rollcall votes, if postponed, will be taken on Wednesday, June 26, 1991.

#### AMENDING THE IMMIGRATION ACT OF 1990

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2332) to amend the Immigration Act of 1990 to extend for 4 months the application deadline for special temporary protected status for Salvadorans, as amended.

The Clerk read as follows:

H.R. 2332

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. 4-MONTH EXTENSION OF APPLICATION DEADLINE FOR SPECIAL TEMPORARY PROTECTED STATUS FOR SALVADORANS.

Section 303(b)(1)(C) of the Immigration Act of 1990 is amended by striking "June 30, 1991" and inserting "October 31, 1991".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 20 minutes, and the gentleman from Florida [Mr. MCCOLLUM] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2332, and I wish to commend the distinguished Chairman of the Rules Committee, Mr. MOAKLEY, for sponsoring this worthwhile legislation.

Last year in the 1990 Immigration Act, Congress created a program called Temporary Protected Status. This program gives the Attorney General the authority to allow foreign nationals of specified countries to remain in the United States temporarily if, because of war or other life-endangering situations, it would be inhumane to require them to go back to those countries. Congress then specified in the 1990 act that the Attorney General was required to provide temporary protected status to nationals of El Salvador.

The President signed the 1990 Immigration Act into law last November 29, but it took the Department of Justice a full 6 months to issue final regulations regarding the program. By that time—May 22—there were only 5 weeks left in the application period.

Congress did not intend that the Salvadoran Temporary Protected Status Program would have, in effect, a five week application period. We expected the program to be up and running early in the year. That is the principle reason why H.R. 2332, which extends the application period until October 31, 1991, is deserving of our support.

The simple fact is that even with a 4-month extension, the Salvadoran Temporary Protected Status Program will have one of the shortest application periods of any immigration program in memory. The 1986 Legalization Program had a 1-year application period; the 1986 Cuban-Haitian Program had a 2-year application period; the 1986 Seasonal Agricultural Worker Program had an 18-month application period; the 1990 Filipino World War II Veterans Citizenship Program has a 2-year application period; and the application period for Liberians, Lebanese, and Kuwaitis who wish to apply for temporary protected status—the same status the Salvadorans receive—is one full year.

When Congress creates a program—any program—it intends that it be implemented to the fullest and fairest extent possible. When those charged with implementing the program have been unable to meet that goal, Congress has an obligation to step in and to get matters back on track. That is precisely what H.R. 2332 does, and I urge my colleagues to give this measure their full support.

Mr. Speaker, I yield 3 minutes to the distinguished gentleman from Kentucky [Mr. MAZZOLI], chairman of the Subcommittee on International Law Immigration, and Refugees, who shepherded the major immigration bill through the committee last year and

who, I hope, will not do that again this year.

Mr. MAZZOLI. Mr. Speaker, I think I thank the chairman for yielding me this time.

Mr. Speaker, I do appreciate the words of the gentleman from Texas [Mr. BROOKS], and I appreciate his leadership on the bill.

Mr. Speaker, briefly stated, this bill extends for 4-months a period within which Salvadorans who are in the United States today might apply for the program called temporary protected status.

This bill, it should be noted, Mr. Speaker, does not extend the benefit period. The benefit period ends next June 30. This simply extends until October 31 of this year, 1991, the period within which again these people can apply for this temporary status.

As the chairman of the committee, the gentleman from Texas [Mr. BROOKS], our full committee chairman, has explained, this simply allows the people of El Salvador and four nations of the world to remain in the United States until the conditions in their country abate, whether those conditions are because of war or because of national disaster or famine or whatever.

This simply says the time period for application will be extended. Mr. Speaker, the reason for the extension is that when the program began under terms of the 1990 act, it began January 2. There was confusion about the amount of money which would be charged to the applicants. In those days, in January, it was in the several hundred dollar range. There was quite a bit of objection to that. That objection was heeded by Commissioner Gene McNary of the Immigration Service. In May, revised standard and schedule of fees were issued, which were much more acceptable and much more responsible and reasonable.

That was a 4-month gap, 4-month period during which there was this confusion and uncertainty. What our bill does is just reestablishes this 4-month period in the form of an extension, until October 31 of the time which people can apply for these benefits.

Once again, come next June 30, they have to either begin the process of going back home and there has to be a decision made of whether or not further extensions are in order. This bill, which came from the pen of the gentleman from Massachusetts, chairman of the Committee on Rules [Mr. MOAKLEY] is, we think, a reasonable bill, and I urge its adoption.

Mr. Speaker, the bill before us is simple and straightforward. Quite simply, it extends for 4 months the application period for those Salvadorans in the United States who may wish to apply for a program created by Congress last year, known as temporary protected status or "TPS."

There was a hearing on H.R. 2332 held on May 15, and the full Judiciary Committee reported H.R. 2332 favorably on June 18.

TPS is a statutorily created program designed to fill the middle ground between full-fledged refugee status and undocumented immigration status. Essentially, temporary protected status allows nationals from war-torn or otherwise dangerous countries to remain in the United States temporarily until conditions in the home country stabilize. It codifies and supersedes an administrative practice known as extended voluntary departure, which existed since 1959 and which the Attorney General has exercised in the past for nationals of such countries as Afghanistan, Cuba, and Poland.

H.R. 2332 does not extend the TPS benefits period. That is to say, it does not lengthen the period of temporary protected status. Under the terms of the 1990 Immigration Act, TPS for Salvadorans will expire on June 30 of next year.

The temporary protected status application period—as opposed to the benefits period—is due to expire on June 30, just 5 days from now. Under H.R. 2332 the application period would be extended until October 31, 1991—in effect a 4 month extension. H.R. 2332 does nothing else.

The registration period for the Salvadoran temporary status began on January 2, 1991. From the beginning there was confusion and controversy regarding the registration fee. The Salvadoran TPS Program authorizes the Immigration and Naturalization Service to establish a reasonable fee, taking into account their costs in running the program. Interim Regulations published by INS on January 7 set the fee at \$330 per person for the life of the program, namely 18 months. This fee was per individual, with no family fee cap.

After numerous concerned parties complained that the fee was unaffordable for many persons, Immigration Service Commissioner Gene McNary agreed on February 6 that the fees had been set too high. Unfortunately, regulations to lower the fees were not promulgated until May 22, just 5 weeks before the end of the program.

Currently, the Salvadoran temporary protected status fee is \$75 for registration and \$60 for an employment authorization card. These fees are one-time only. Moreover, a family cap of \$225 has been established.

As of today, approximately 85,000 Salvadorans have applied for temporary protected status. Although no one knows how many Salvadorans may in theory be eligible for TPS, a safe guess is somewhere between 300,000 and 500,000. When legislation was marked up last Congress, the Congressional Budget Office estimated that 60 percent of the eligible Salvadoran population would register. As we can see, the current total of some 85,000 comes nowhere near that percentage.

By way of comparison, it is interesting to note that in designating nationals of Kuwait, Lebanon, and Liberia for temporary protected status, the Attorney General established application periods that are coterminous with the benefits periods. For each group, benefits are provided until March 27, 1992 and the application period runs until that date as well. Thus, the Salvadoran Program, even under H.R.



2332 will have a registration period and a benefits period shorter than those of the other states I have mentioned which qualify for temporary protected status.

Mr. Speaker, I commend the gentleman from Massachusetts, the distinguished chairman of the Rules Committee, Mr. MOAKLEY, for introducing H.R. 2332 and I urge my colleagues to support this meritorious bill.

Mr. MCCOLLUM. Mr. Speaker, I yield myself such time as I may consume and rise in opposition to the bill. I rise reluctantly in opposition to this bill because it is a relatively short extension of time. It appears on its face to be innocuous in that regard, but it has hidden impacts that were, unfortunately, not addressed in the full committee.

The extension requested is and has been correctly portrayed by the distinguished chairman of my subcommittee and my committee chairman as being in respect to the fact that earlier this year the Immigration Service did not get the program off the ground as early as they expected to do and there were some glitches.

□ 2020

But I am advised by the Immigration Service, and I think it is quite accurate, that indeed the time delay involved in this because of notice requirements and that sort of thing and the question of the fees being determined really as a practical matter only amounted to 2 months, not 4 or 6 or any other figure, and yet this bill extends the time to 4 months, or at least 2 months more than I think it should be.

I offered an amendment which was not accepted in the full Judiciary Committee before this bill came out under suspension that would have reduced the time from 4 months to 2 months, in which case I could have supported the bill.

Well, one can say what is the difference between 4 months and 2 months when you are extending some of this time? But it is very significant because the Immigration Act of 1990 is effective the first day of October. The first day of October is the day after which the immigration authorities need all the resources they can possibly muster in order to begin the administration of the law that we enacted last year in many broad ways. It is a very dramatic change in lots of the laws, and the needs for personnel are very, very strong. These same personnel right now who are working on this particular application process for the Salvadoreans and the others who get this temporary stay will need to be used in October, and after October for quite a while in a very intense way to handle the major immigration bill.

It seems to me that it is foolish, if it is not absolutely necessary, for us to take these personnel away from the job that they are supposed to do in October

of this year and delay in essence or hamper the carrying out of the main act that we were passing, and it does not seem at all necessary. Two months would have done this.

Unfortunately, again the bill is out here on suspension, no opportunity for amendment, and we are dealing with the fact that it is 4 months and it does carry us from June to October 31.

I would submit that the reasonable thing to do, and whether it can be done here, obviously we cannot amend the bill under suspension if it passes, is that somewhere along the way in a conference with the Senate or however it might be, the reasonable thing to do is to arrive at a compromise of a 2-month period rather than a 4-month period that is currently written into this particular bill. That way you free up the immigration personnel and you do not have them doing the kind of work they will be doing at the end of this period, and it is very important in the sense that it is the most intense time at the end of any application period where more personnel are needed. More applications are processed at that time than they are at any other time.

So, for example, right now the sense is if this comes to a conclusion, we have more people applying this week than we would normally have had or we would expect to have throughout the entire rest of the period of time involved in the application opening. That is true for any immigration program. That is a historical fact.

So if you end this program in October, it is October that you are going to have all the need for the personnel to be involved and all the time of the Immigration Service personnel. If you end this program instead in August, which would be 2 months instead of 4 months from now, you would get at the end of August all this time and resources being used.

So I say, I oppose the bill reluctantly.

I understand that the nature of this is not to extend the program itself, which the gentleman from Massachusetts has been very sincere and very straightforward about his desire to maintain the agreement that was made in the Congress last year over the whole question of the Salvadoreans and their status, and I respect him for that; but it is a question of trying to make fairness apply here with some rules that were promulgated a little late, some fees that might have been overstated, somewhat overstated at one point early in the application process, but at the same time putting some balance and understanding into the fact that we have a problem with personnel being taken away from the enforcement process that they are supposed to be engaged in, which I do not think frankly we need to do by extending this for the full 4 months and into the month of October, to the 31st of Octo-

ber, which the bill does; so that is the reason for my opposition and the only reason for it.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from Massachusetts [Mr. MOAKLEY], the author of the bill, the father of the Salvadoreans.

Mr. MOAKLEY. Mr. Speaker, I thank the illustrious chairman for yielding me this time.

Mr. Speaker, I rise in strong support of H.R. 2332—legislation to extend the application period by 4 months for the Salvadoran Temporary Protected Status Program.

As you know, temporary protected status—better known as TPS—merely provides Salvadoran refugees, who have fled the violent civil war in their homeland, 18 months of protection with work authorization. It is a modest—yet very vital—relief which could impact as many as 500,000 Salvadorans who are currently here in the United States in an undocumented status.

I want to thank both Chairman MAZZOLI and Chairman BROOKS for moving this bill so expeditiously through both the Subcommittee on International Law and Refugees and the full Judiciary Committee. The matter before us today is quite urgent—and needs immediate action—since the current application period for TPS expires on June 30.

Congress intended that Salvadorans be granted 6 months to register for this protection. Unfortunately, due to the inherent difficulties in implementing the program, it took more than 4 months for the administration to issue final regulations, including long-promised fee reductions.

During those first 4 months, there was a great deal of confusion and apprehension among many of the Salvadorans whom Congress intended to help.

The bottom line is this: Although this Congress promised Salvadorans 6 months to apply for the TPS Program—in reality, we have only given them 2 months. That, Mr. Speaker, is simply not enough time.

Mr. Speaker, very simply, all this legislation does is provide Salvadorans with the 6 months to apply for TPS that we promised—nothing more. It does not even extend the 18-month period of protection—that can only be done by the Attorney General.

The more people who apply, the better for everyone, including INS and local communities where Salvadorans reside. The more Salvadorans who can obtain work permits and have the ability to work legally in this country, the more who will be eligible to pay taxes—both local and Federal. And the more Salvadorans who can obtain this temporary legal status, the less likely that they will be subjected to exploitation by unscrupulous employers and landlords.

Mr. Speaker, I am told that since the new regulations governing this pro-

gram were released, the numbers of Salvadorans coming forward have increased dramatically. I have been told that long lines are developing and that unless the application period is extended, many will be unable to register.

Mr. Speaker, this bill should not be controversial. I am told that even the White House supports an extension. I urge my colleagues to support H.R. 2332.

Mr. MCCOLLUM. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SAWYER). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 2332, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### SEMICONDUCTOR INTERNATIONAL PROTECTION EXTENSION ACT OF 1991

Mr. BROOKS. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1998) to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities, as amended.

The Clerk read as follows:

H.R. 1998

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor International Protection Extension Act of 1991".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) no multilateral treaty recognizing the protection of mask works has come into force, nor has the United States become bound by any multilateral agreement regarding such protection; and

(4) bilateral and multilateral relationships regarding the protection of mask works should be directed toward the international

protection of mask works in an effective, consistent, and harmonious manner, and the existing bilateral authority of the Secretary of Commerce under chapter 9 of title 17, United States Code, should be extended to facilitate the continued development of protection for mask works.

(b) PURPOSES.—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protection orders under section 914 of title 17, United States Code, to continue the incentive for the bilateral and multilateral protection of mask works; and

(2) to clarify the Secretary's authority to issue such interim protection orders.

#### SEC. 3. AUTHORITY TO ISSUE PROTECTION ORDERS.

Section 914 of title 17, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or implementing" after "enacting"; and

(2) in subsection (e) by striking "July 1, 1991" and inserting "July 1, 1995".

#### SEC. 4. REPORT TO CONGRESS.

Section 914(f)(2) of title 17, United States Code, is amended in the last sentence by striking "July 1, 1990" and inserting "July 1, 1994".

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Texas [Mr. BROOKS] will be recognized for 2 minutes, and the gentleman from California [Mr. MOORHEAD] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Texas [Mr. BROOKS].

Mr. BROOKS. Mr. Speaker, I yield myself such time as I may require.

Mr. Speaker, a little over 6 years ago, the Congress passed the Semiconductor Chip Protection Act of 1984. The act broke new ground in the field of intellectual property law by establishing a free-standing form of protection, a mixture of patent and copyright law principles, to protect the mask works used to create semiconductor chip products. The act, which conferred 10 years of protection on mask works, has been termed a great success by most observers. It has reduced the piracy of a unique form of American ingenuity.

Today, chips are used to operate everything from computers to telephones, from industrial automation to automobiles, from Patriot missiles to smart bombs. A healthy American semiconductor industry is vital to U.S. economic and military security.

H.R. 1998 extends a transitional provision in the 1984 act, section 914, that was designed to stimulate worldwide protection for chip designs. Section 914 of the Chip Act provides the Secretary of Commerce with authority to issue interim protection to foreign mask works provided that certain conditions are met, including a finding that foreign countries are making good faith efforts and reasonable progress toward reciprocal protection of chip designs owned by U.S. nationals. This carrot-and-stick approach has allowed the United States to develop bilateral relations with 19 foreign countries which produce virtually all of the world's semiconductor chips.

The Secretary's authority commenced on the date of enactment of the act, November 8, 1984, and is scheduled to terminate on July 1, 1991. Congress extended the Secretary's authority in 1987. H.R. 1998 extends the authority of the Secretary for 4 more years, until July 1, 1995. The proposed legislation also requires the Secretary to file a report to Congress on the effectiveness of section 914. This report provision and the temporary extension of the Secretary's authority will assist the Committee on the Judiciary in exercising its legislative oversight responsibilities.

The Subcommittee on Intellectual Property and Judicial Administration, under the able leadership of BILL HUGHES, has done a superb job on this important piece of legislation. I also commend the ranking minority member of the subcommittee, CARLOS MOORHEAD, and the gentlemen from California, Mr. EDWARDS and Mr. MINETA, for their contributions.

We can pass this bill and send it to the White House for a signature by President Bush before the authority of the Secretary of Commerce expires on July 1. I urge the Members' support.

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Mr. Speaker, I reserve the balance of my time.

Mr. MOORHEAD. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I would like to indicate my strong support for H.R. 1998, the Semiconductor International Protection Extension Act of 1991. This legislation would extend for 4 years, until July 1, 1995, the authority of the Secretary of Commerce to issue orders providing interim protection for semiconductor chips under the terms of section 914 of the Semiconductor Chip Protection Act. The legislation, which does not have any opposition, is strongly supported by the Semiconductor Industry Association and the administration.

I would like to commend the chairman of the Intellectual Property and Judicial Administration Subcommittee, BILL HUGHES, for his leadership on this issue. Also to be commended are my colleagues from California, DON EDWARDS and NORM MINETA as well as our former colleague Dan Lungren, for their longstanding interest and contributions in this area. Finally, I would like to recognize the efforts of the former chairman of the Intellectual Property Subcommittee, Bob Kastenmeier, who was instrumental in passage of the original Chip Act.

By all accounts the U.S. Semiconductor Chip Protection Act has worked well since its enactment in 1984. To date bilateral relationships have been established with 19 countries under section 914 of the act. Clearly, section 914 has proven to be an important catalyst



for the protection of semiconductor chips in the international community and should be extended. And while efforts to date at achieving a multilateral agreement have not proven successful, they have helped identify in the World Intellectual Property Organization a consensus as to the appropriate standards for protection among nations which have legislated on chip protection. This is important, for while a multilateral agreement is a worthy goal we do not want to do anything that would in any way diminish current levels of protection that are afforded by our existing laws.

In closing, Mr. Speaker, I would like to commend the Secretary of Commerce, the Patent and Trademark Office, and the Copyright Office for the way they have performed their respective roles in implementing and administering the act. H.R. 1998 is sound legislation and I urge my colleagues' support for it.

Mr. Speaker, I reserve the balance of my time.

Mr. BROOKS. Mr. Speaker, I yield 5 minutes to the gentleman from New Jersey [Mr. HUGHES], the distinguished chairman of the Subcommittee on Intellectual Property and Judicial Administration.

Mr. HUGHES. Mr. Speaker, I thank the chairman for yielding time to me.

Mr. Speaker, the House should vote to extend an experimental law—section 914 of the Semiconductor Chip Protection Act of 1984—that is aimed at developing worldwide protection for semiconductor chip designs. My bill, H.R. 1998, accomplishes this goal.

Semiconductor chips represent a new and very important kind of intellectual property, a type of property of crucial importance to the United States. Chips fuel the modern day electronics industry and provide the enabling technology for this country's defense and communications capabilities. Semiconductor chips served this country well in the Gulf War.

The 1984 act drew on the richness of both our copyright and patent laws and addressed the unique needs of both the semiconductor industry and the public. It conferred 10 years of protection on the mask works used to design semiconductor chips.

The 1984 act was the result of 6 years of hard work by the House Judiciary Subcommittee on Courts, Civil Liberties and the Administration of Justice, the subcommittee I now chair. The subcommittee had much help: Former subcommittee Chairman Kastenmeier and the ranking minority member, Mr. MOORHEAD, authored the final version of the bill; Congressmen EDWARDS and MINETA were the chief sponsors; in the Senate, Senators LEAHY and MATHIAS likewise played leading roles.

As was shown in testimony before my subcommittee at a recent oversight

hearing, the 1984 act has been successful both domestically and internationally. In a world of shrinking borders, a level playing field is necessary. When multilateral treaties are not available, the United States may resort to bilateralism with incentives similar to those found in section 914 of the Chip Act. We will treat foreign countries essentially as they treat us. Section 914 has allowed the United States to develop bilateral relations with 19 foreign countries which collectively comprise most of the world's chip producing nations. The net result is that American chips are now being protected overseas and foreign chips are protected here.

I am pleased that a consensus has developed in favor of H.R. 1998 which received the unanimous endorsement of the House Committee on the Judiciary and has the support of the administration, the Copyright Office and the Semiconductor Industry Association among others.

On June 12, the Senate passed virtually identical legislation in the form of S. 909, which we will take up assuming passage of H.R. 1998.

I commend the Secretary of Commerce and the Assistant Secretary of Commerce for Patents and Trademarks for a job well done in administering section 914.

I also would like to thank the sponsors of H.R. 1998 including the ranking minority member of the subcommittee, Mr. MOORHEAD, Mr. EDWARDS of California, Mr. FRANK of Massachusetts, Mr. KOPETSKI, and Mr. MINETA. In the other body, Senators LEAHY and HATCH are to be applauded for their leadership.

It is essential that we extend an important provision of the original 1984 act before it expires on July 1, 1991. Passage of this bill today will ensure a signature by President Bush before the sunset date, thereby preserving and promoting the rule of law worldwide for the semiconductor industry.

I urge your undivided support for the proposed legislation.

Mr. MOORHEAD. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

Mr. BROOKS. Mr. Speaker, I have no further requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore. (Mr. SAWYER). The question is on the motion offered by the gentleman from Texas [Mr. BROOKS] that the House suspend the rules and pass the bill, H.R. 1998, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that the Committee on the Judiciary be discharged from further consideration of the Sen-

ate bill (S. 909) to amend chapter 9 of title 17, United States Code, regarding protection extended to semiconductor chip products of foreign entities, and ask for its immediate consideration in the House.

The clerk read the title of the Senate bill.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

The Clerk read the Senate bill, as follows:

#### S. 909

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Semiconductor International Protection Extension Act of 1991".

#### SEC. 2. FINDINGS AND PURPOSES.

(a) FINDINGS.—The Congress finds that—

(1) section 914 of title 17, United States Code, which authorizes the Secretary of Commerce to issue orders extending interim protection under chapter 9 of title 17, United States Code, to mask works fixed in semiconductor chip products and originating in foreign countries that are making good faith efforts and reasonable progress toward providing protection, by treaty or legislation, to mask works of United States nationals, has resulted in substantial and positive legislative developments in foreign countries regarding protection of mask works;

(2) the Secretary of Commerce has determined that most of the industrialized countries of the world are eligible for orders affording interim protection under section 914 of title 17, United States Code;

(3) no multilateral treaty recognizing the protection of mask works has come into force, nor has the United States become bound by any multilateral agreement regarding such protection; and

(4) bilateral and multilateral relationships regarding the protection of mask works should be directed toward the international protection of mask works in an effective, consistent, and harmonious manner, and the existing bilateral authority of the Secretary of Commerce under chapter 9 of title 17, United States Code, should be extended to facilitate the continued development of protection for mask works.

(b) PURPOSES.—The purposes of this Act are—

(1) to extend the period within which the Secretary of Commerce may grant interim protection orders under section 914 of title 17, United States Code, to continue the incentive for the bilateral and multilateral protection of mask works; and

(2) to clarify the Secretary's authority to issue such interim protection orders.

#### SEC. 3. AUTHORITY TO ISSUE PROTECTION ORDERS.

Section 914 of title 17, United States Code, is amended—

(1) in subsection (a)(1)(B) by inserting "or implementing" after "enacting"; and

(2) in subsection (e) by striking "July 1, 1991" and inserting "July 1, 1995".

#### SEC. 4. REPORT TO CONGRESS.

Section 914(f)(2) of title 17, United States Code, is amended in the last sentence by striking "July 1, 1990" and inserting "July 1, 1994".

The Senate bill was ordered to be read a third time, was read the third

time, and passed, and a motion to reconsider was laid on the table.

A similar House bill (H.R. 1998) was laid on the table.

#### GENERAL LEAVE

Mr. BROOKS. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks on H.R. 1998 and H.R. 2332, the two bills just considered.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

#### DEPARTMENT OF VETERANS AFFAIRS CODIFICATION ACT

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2525) to amend title 38, United States Code, to codify the provisions of law relating to the establishment of the Department of Veterans Affairs, to restate and reorganize certain provisions of that title, and for other purposes, as amended.

The Clerk read as follows:

H.R. 2525

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE.

(a) SHORT TITLE.—This Act may be cited as the "Department of Veterans Affairs Codification Act".

(b) REFERENCES.—Except in sections 3 and 6 and as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code.

#### SEC. 2. CODIFICATION, REORGANIZATION, AND REVISION OF LAWS RELATING TO ESTABLISHMENT, ORGANIZATION, AND AUTHORITY OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—Part I is amended by striking out chapter 3 and inserting in lieu thereof the following:

##### "CHAPTER 3—DEPARTMENT OF VETERANS AFFAIRS

- "Sec.
- "301. Department.
- "302. Seal.
- "303. Secretary of Veterans Affairs.
- "304. Deputy Secretary of Veterans Affairs.
- "305. Chief Medical Director.
- "306. Chief Benefits Director.
- "307. Director of the National Cemetery System.
- "308. Assistant Secretaries; Deputy Assistant Secretaries.
- "309. Chief Financial Officer.
- "310. Chief Information Resources Officer.
- "311. General Counsel.
- "312. Inspector General.
- "313. Availability of appropriations.
- "314. Central Office.
- "315. Regional offices.
- "316. Colocation of regional offices and medical centers.

##### "§ 301. Department

"(a) The Department of Veterans Affairs is an executive department of the United States.

"(b) The purpose of the Department is to administer the laws providing benefits and other services to veterans and the dependents and the beneficiaries of veterans.

"(c) The Department is composed of the following:

- "(1) The Office of the Secretary.
- "(2) The Veterans Health Administration.
- "(3) The Veterans Benefits Administration.
- "(4) The National Cemetery System.
- "(5) The Board of Veterans' Appeals.
- "(6) The Veterans' Canteen Service.
- "(7) The Board of Contract Appeals.
- "(8) Such other offices and agencies as are established or designated by law or by the President or the Secretary.
- "(9) Any office, agency, or activity under the control or supervision of any element named in paragraphs (1) through (8).

##### "§ 302. Seal

"(a) The Secretary of Veterans Affairs shall cause a seal of office to be made for the Department of such device as the President shall approve. Judicial notice shall be taken of the seal.

"(b) Copies of any public document, record, or paper belonging to or in the files of the Department, when authenticated by the seal and certified by the Secretary (or by an officer or employee of the Department to whom authority has been delegated in writing by the Secretary), shall be evidence equal with the original thereof.

##### "§ 303. Secretary of Veterans Affairs

"There is a Secretary of Veterans Affairs, who is the head of the Department and is appointed by the President, by and with the advice and consent of the Senate. The Secretary is responsible for the proper execution and administration of all laws administered by the Department and for the control, direction, and management of the Department.

##### "§ 304. Deputy Secretary of Veterans Affairs

"There is in the Department a Deputy Secretary of Veterans Affairs, who is appointed by the President, by and with the advice and consent of the Senate. The Deputy Secretary shall perform such functions as the Secretary shall prescribe. Unless the President designates another officer of the Government, the Deputy Secretary shall be Acting Secretary of Veterans Affairs during the absence or disability of the Secretary or in the event of a vacancy in the office of Secretary.

##### "§ 305. Chief Medical Director

"(a)(1) There is in the Department a Chief Medical Director, who is appointed by the President, by and with the advice and consent of the Senate.

"(2) The Chief Medical Director shall be a doctor of medicine and shall be appointed without regard to political affiliation or activity and solely—

"(A) on the basis of demonstrated ability in the medical profession, in health-care administration and policy formulation, and in health-care fiscal management; and

"(B) on the basis of substantial experience in connection with the programs of the Veterans Health Administration or programs of similar content and scope.

"(b) The Chief Medical Director is the head of, and is directly responsible to the Secretary for the operation of, the Veterans Health Administration.

"(c) The Chief Medical Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Medical Director before the completion of the term for which the Chief Medical Director was appointed, the President shall com-

municate the reasons for the removal to Congress.

"(d)(1) Whenever a vacancy in the position of Chief Medical Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

"(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

"(A) Three persons representing clinical care and medical research and education activities affected by the Veterans Health Administration.

"(B) Two persons representing veterans served by the Veterans Health Administration.

"(C) Two persons who have experience in the management of veterans health services and research programs, or programs of similar content and scope.

"(D) The Deputy Secretary of Veterans Affairs.

"(E) The Chairman of the Special Medical Advisory Group established under section 7312 of this title.

"(F) One person who has held the position of Chief Medical Director (including service as Chief Medical Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Medical Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

"(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

##### "§ 306. Chief Benefits Director

"(a) There is in the Department a Chief Benefits Director, who is appointed by the President, by and with the advice and consent of the Senate. The Chief Benefits Director shall be appointed without regard to political affiliation or activity and solely on the basis of demonstrated ability in—

"(1) fiscal management; and

"(2) the administration of programs within the Veterans Benefits Administration or programs of similar content and scope.

"(b) The Chief Benefits Director is the head of, and is directly responsible to the Secretary for the operations of, the Veterans Benefits Administration.

"(c) The Chief Benefits Director shall be appointed for a period of four years, with reappointment permissible for successive like periods. If the President removes the Chief Benefits Director before the completion of the term for which the Chief Benefits Director was appointed, the President shall communicate the reasons for the removal to Congress.

"(d)(1) Whenever a vacancy in the position of Chief Benefits Director occurs or is anticipated, the Secretary shall establish a commission to recommend individuals to the President for appointment to the position.

"(2) A commission established under this subsection shall be composed of the following members appointed by the Secretary:

"(A) Three persons representing education and training, real estate, mortgage finance,



and related industries, and survivor benefits activities affected by the Veterans Benefits Administration.

"(B) Two persons representing veterans served by the Veterans Benefits Administration.

"(C) Two persons who have experience in the management of veterans benefits programs or programs of similar content and scope.

"(D) The Deputy Secretary of Veterans Affairs.

"(E) The chairman of the Veterans' Advisory Committee on Education formed under section 3692 of this title.

"(F) One person who has held the position of Chief Benefits Director, (including service as Chief Benefits Director of the Veterans' Administration), if the Secretary determines that it is desirable for such person to be a member of the Commission.

"(3) A commission established under this subsection shall recommend at least three individuals for appointment to the position of Chief Benefits Director. The commission shall submit all recommendations to the Secretary. The Secretary shall forward the recommendations to the President with any comments the Secretary considers appropriate. Thereafter, the President may request the commission to recommend additional individuals for appointment.

"(4) The Assistant Secretary or Deputy Assistant Secretary of Veterans Affairs who performs personnel management and labor relations functions shall serve as the executive secretary of a commission established under this subsection.

#### "§ 307. Director of the National Cemetery System

"There is in the Department a Director of the National Cemetery System, who is appointed by the President, by and with the advice and consent of the Senate. The Director is the head of the National Cemetery System as established in section 2400 of this title and shall perform such functions as may be assigned by the Secretary.

#### "§ 308. Assistant Secretaries; Deputy Assistant Secretaries

"(a) There shall be in the Department not more than six Assistant Secretaries. Each Assistant Secretary shall be appointed by the President, by and with the advice and consent of the Senate.

"(b) The Secretary shall assign to the Assistant Secretaries responsibility for the administration of such functions and duties as the Secretary considers appropriate, including the following functions:

- "(1) Budgetary and financial functions.
- "(2) Personnel management and labor relations functions.
- "(3) Planning, studies, and evaluations.
- "(4) Management, productivity, and logistic support functions.

"(5) Information management functions as required by section 3506 of title 44.

"(6) Capital facilities and real property program functions.

"(7) Equal opportunity functions.

"(8) Functions regarding the investigation of complaints of employment discrimination within the Department.

"(9) Functions regarding intergovernmental, public, and consumer information and affairs.

"(10) Procurement functions.

"(c) Whenever the President nominates an individual for appointment as an Assistant Secretary, the President shall include in the communication to the Senate of the nomination a statement of the particular functions

of the Department specified in subsection (b), and any other functions of the Department, the individual will exercise upon taking office.

"(d)(1) There shall be in the Department such number of Deputy Assistant Secretaries, not exceeding 18, as the Secretary may determine. Each Deputy Assistant Secretary shall be appointed by the Secretary and shall perform such functions as the Secretary prescribes.

"(2) At least two-thirds of the number of positions established and filled under paragraph (1) shall be filled by individuals who have at least five years of continuous service in the Federal civil service in the executive branch immediately preceding their appointment as a Deputy Assistant Secretary. For purposes of determining such continuous service of an individual, there shall be excluded any service by such individual in a position—

"(A) of a confidential, policy-determining, policy-making, or policy-advocating character;

"(B) in which such individual served as a noncareer appointee in the Senior Executive Service, as such term is defined in section 3132(a)(7) of title 5; or

"(C) to which such individual was appointed by the President.

#### "§ 309. Chief Financial Officer

"The Secretary shall designate the Assistant Secretary whose functions include budgetary and financial functions as the Chief Financial Officer of the Department. The Chief Financial Officer shall advise the Secretary on financial management of the Department and shall exercise the authority and carry out the functions specified in section 902 of title 31.

#### "§ 310. Chief Information Resources Officer

"(a) The Secretary shall designate the Assistant Secretary whose functions include information management functions (as required by section 3506 of title 44) as the Chief Information Resources Officer of the Department.

"(b) The Chief Information Resources Officer shall advise the Secretary on information and management activities of the Department as required by section 3506 of title 44.

"(c) The Chief Information Resources Officer shall develop and maintain an information resources management system for the Department that provides for—

"(1) the conduct of, and accountability for, any acquisitions made pursuant to a delegation of authority under section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759);

"(2) the implementation of all applicable Governmentwide and Department information policies, principles, standards, and guidelines with respect to information collection, paperwork reduction, privacy and security of records, sharing and dissemination of information, acquisition and use of information technology, and other information resources management functions;

"(3) the periodic evaluation of and (as needed) the planning and implementation of improvements in the accuracy, completeness, and reliability of data and records contained within Department information systems; and

"(4) the development and annual revision of a five-year plan for meeting the Department's information technology needs.

"(d) The Chief Information Resources Officer shall report directly to the Secretary in carrying out the duties of the Chief Informa-

tion Resources Officer under this section and under chapter 35 of title 44.

#### "§ 311. General Counsel

"There is in the Department the Office of the General Counsel. There is at the head of the office a General Counsel, who is appointed by the President, by and with the advice and consent of the Senate. The General Counsel is the chief legal officer of the Department and provides legal assistance to the Secretary concerning the programs and policies of the Department.

#### "§ 312. Inspector General

"(a) There is in the Department an Inspector General, who is appointed by the President, by and with the advice and consent of the Senate, as provided in the Inspector General Act of 1978 (5 U.S.C. App. 3). The Inspector General performs the functions, has the responsibilities, and exercises the powers specified in that Act.

"(b)(1) The Secretary shall provide for not less than 40 full-time positions in the Office of Inspector General in addition to the number of such positions in that office on March 15, 1989.

"(2) The President shall include in the budget transmitted to the Congress for each fiscal year pursuant to section 1105 of title 31 an estimate of the amount for the Office of Inspector General that is sufficient to provide for a number of full-time positions in that office that is not less than the number of full-time positions in that office on March 15, 1989, plus 40.

"(3) The Secretary shall provide the number of additional full-time positions in the Office of Inspector General required by paragraph (1) not later than September 30, 1991.

#### "§ 313. Availability of appropriations

"(a) Funds appropriated to the Department may remain available until expended.

"(b) Funds appropriated to the Department may not be used for a settlement of more than \$1,000,000 on a construction contract unless—

"(1) the settlement is audited by an entity outside the Department for reasonableness and appropriateness of expenditures; and

"(2) the settlement is provided for specifically in an appropriation law.

#### "§ 314. Central Office

"The Central Office of the Department shall be in the District of Columbia.

#### "§ 315. Regional offices

"(a) The Secretary may establish such regional offices and such other field offices within the United States, its Territories, Commonwealths, and possessions, as the Secretary considers necessary.

"(b) The Secretary may maintain a regional office in the Republic of the Philippines until September 30, 1991.

#### "§ 316. Colocation of regional offices and medical centers

"(a) To provide for a more economical, efficient, and effective operation of such regional offices, the Secretary shall provide for the colocation of at least three regional offices with medical centers of the Department—

"(1) on real property under the jurisdiction of the Department of Veterans Affairs at such medical centers; or

"(2) on real property that is adjacent to such a medical center and is under the jurisdiction of the Department as a result of being conveyed to the United States for the purpose of such colocation.

"(b)(1) In carrying out this section and notwithstanding any other provision of law,

the Secretary may lease, with or without compensation and for a period of not to exceed 35 years, to another party at not more than seven locations any of the real property described in paragraph (1) or (2) of subsection (a).

"(2) Such real property shall be used as the site of a facility—

"(A) constructed and owned by the lessee of such real property; and

"(B) leased under subsection (c)(1) to the Department for such use and such other activities as the Secretary determines are appropriate.

"(c)(1) The Secretary may enter into a lease for the use of any facility described in subsection (b)(2) for not more than 35 years under such terms and conditions as may be in the best interests of the Department.

"(2) Each agreement for such a lease shall provide—

"(A) that the obligation of the United States to make payments under the agreement is subject to the availability of appropriations for that purpose; and

"(B) that the ownership of the facility shall vest in the United States at the end of such lease.

"(d)(1) The Secretary may sublease any space in such a facility to another party at a rate not less than—

"(A) the rental rate paid by the Secretary for such space under subsection (c); plus

"(B) the amount the Secretary pays for the costs of administering such facility (including operation, maintenance, utility, and rehabilitation costs) which are attributable to such space.

"(2) In any such sublease, the Secretary shall include such terms relating to default and nonperformance as the Secretary considers appropriate to protect the interests of the United States.

"(e) The Secretary shall use the receipts of any payment for the lease of real property under subsection (b) for the payment of the lease of a facility under subsection (c).

"(f)(1) Subject to paragraph (3)(A), the Secretary shall, not later than April 18, 1990, issue an invitation for offers with respect to three colocations to be carried out under this section. The invitation shall include, with respect to each such colocation, at least the following:

"(A) Identification of the site to be developed.

"(B) Minimum office space requirements for regional office activities.

"(C) Design criteria of the facility to be constructed.

"(D) A plan for meeting the security and parking needs for the facility and its occupants and visitors.

"(E) A statement of current and projected rents and other costs for regional office activities.

"(F) The estimated cost of construction of the facility concerned, the estimated annual cost of leasing space for regional office activities in the facility, and the estimated total annual cost of leasing all space in such facility.

"(G) A plan for securing appropriate licenses, easements, and rights-of-way.

"(H) A list of terms and conditions the Secretary has approved for inclusion in the lease agreement for the facility concerned.

"(2) Subject to paragraph (3)(B), the Secretary shall—

"(A) not later than one year after the date on which the invitation is issued under paragraph (1), enter into an agreement to carry out one colocation under this subsection; and

"(B) within 180 days after entering into the agreement referred to in subparagraph (A), enter into agreements to carry out two additional colocations,

unless the Secretary determines that it is not economically feasible for the Department to undertake them, taking into consideration all of the tangible and intangible benefits associated with such colocations.

"(3) The Secretary shall—

"(A) at least 10 days before the issuance or other publication of the invitation referred to in paragraph (1), submit a copy of the invitation to the Committees on Veterans' Affairs of the Senate and House of Representatives; and

"(B) at least 30 days before entering into an agreement under paragraph (2), submit a copy to the Committees on Veterans' Affairs of the Senate and House of Representatives of the proposals selected by the Secretary from those received in response to the invitation issued under paragraph (1).

"(g) The authority to enter into an agreement under this section shall expire on September 30, 1992.

## CHAPTER 5—AUTHORITY AND DUTIES OF THE SECRETARY

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### SUBCHAPTER I—GENERAL AUTHORITIES

#### § 501. Rules and regulations

"(a) The Secretary has authority to prescribe all rules and regulations which are necessary or appropriate to carry out the laws administered by the Department and are consistent with those laws, including—

"(1) regulations with respect to the nature and extent of proof and evidence and the method of taking and furnishing them in order to establish the right to benefits under such laws;

"(2) the forms of application by claimants under such laws;

"(3) the methods of making investigations and medical examinations; and

"(4) the manner and form of adjudications and awards.

"(b) Any rule, regulation, guideline, or other published interpretation or order (and any amendment thereto) issued pursuant to the authority granted by this section or any other provision of this title shall contain ci-

tations to the particular section or sections of statutory law or other legal authority upon which such issuance is based. The citation to the authority shall appear immediately following each substantive provision of the issuance.

"(c) In applying section 552(a)(1) of title 5 to the Department, the Secretary shall ensure that subparagraphs (C), (D), and (E) of that section are complied with, particularly with respect to opinions and interpretations of the General Counsel.

"(d) The provisions of section 553 of title 5 shall apply, without regard to subsection (a)(2) of that section, to matters relating to loans, grants, or benefits under a law administered by the Secretary.

#### § 502. Judicial review of rules and regulations

"An action of the Secretary to which section 552(a)(1) or 553 of title 5 (or both) refers (other than an action relating to the adoption or revision of the schedule of ratings for disabilities adopted under section 1155 of this title) is subject to judicial review. Such review shall be in accordance with chapter 7 of title 5 and may be sought only in the United States Court of Appeals for the Federal Circuit. However, if such review is sought in connection with an appeal brought under the provisions of chapter 72 of this title, the provisions of that chapter shall apply rather than the provisions of chapter 7 of title 5.

#### § 503. Administrative error; equitable relief

"(a) If the Secretary determines that benefits administered by the Department have not been provided by reason of administrative error on the part of the Federal Government or any of its employees, the Secretary may provide such relief on account of such error as the Secretary determines equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

"(b) If the Secretary determines that a veteran, surviving spouse, child of a veteran, or other person has suffered loss as a consequence of reliance upon a determination by the Department of eligibility or entitlement to benefits, without knowledge that it was erroneously made, the Secretary may provide such relief on account of such error as the Secretary determines is equitable, including the payment of moneys to any person whom the Secretary determines is equitably entitled to such moneys.

"(c) Not later than April 1 of each year, the Secretary shall submit to Congress a report containing a statement as to the disposition of each case recommended to the Secretary for equitable relief under this section during the preceding calendar year.

#### § 505. Opinions of Attorney General

"The Secretary may require the opinion of the Attorney General on any question of law arising in the administration of the Department.

#### § 510. Authority to reorganize offices

"(a) Except to the extent inconsistent with law, the Secretary may—

"(1) consolidate, eliminate, abolish, or redistribute the functions of the Administrations, offices, facilities, or activities in the Department;

"(2) create new Administrations, offices, facilities, or activities in the Department; and

"(3) fix the functions of any such Administration, office, facility, or activity and the duties and powers of their respective executive heads.

"(b) The Secretary may not in any fiscal year implement an administrative reorga-



nization described in subsection (c) unless the Secretary first submits to the appropriate committees of the Congress a report containing a detailed plan and justification for the administrative reorganization. No action to carry out such reorganization may be taken after the submission of such report until the end of a 90-day period of continuous session of Congress following the date of the submission of the report. For purposes of the preceding sentence, continuity of a session of Congress is broken only by adjournment sine die, and there shall be excluded from the computation of such 90-day period any day during which either House of Congress is not in session during an adjournment of more than three days to a day certain.

(c) An administrative reorganization described in this subsection is an administrative reorganization of a covered field office or facility that involves a reduction during any fiscal year in the number of full-time equivalent employees with permanent duty stations at such office or facility—

(1) by 15 percent or more; or

(2) by a percent which, when added to the percent reduction made in the number of such employees with permanent duty stations at such office or facility during the preceding fiscal year, is 25 percent or more.

“(d)(1) Not less than 30 days before the date on which the implementation of any administrative reorganization described in paragraph (2) of a unit in the Central Office is to begin, the Secretary shall transmit to the Committees on Veterans' Affairs of the Senate and the House of Representatives a notification regarding the reorganization.

“(2) Paragraph (1) applies to an administrative reorganization of any unit of the Central Office that is the duty station for 30 or more employees if the reorganization involves a reduction in any fiscal year in the number of full-time equivalent employees with permanent duty station in such unit by 50 percent or more.

(e) For purposes of this section, the term ‘administrative reorganization’ does not include a consolidation or redistribution of functions at a covered field office or facility, or between components of the Veterans Benefits Administration and the Veterans Health Administration at a Department medical and regional office center, if after the consolidation or redistribution the same number of full-time equivalent employees continues to perform the affected functions at that field office, facility, or center.

“(f) For purposes of this section:

“(1) The term ‘covered field office or facility’ means a Department office or facility outside the Central Office that is the permanent duty station for 25 or more employees or that is a free-standing outpatient clinic.

“(2) The term ‘detailed plan and justification’ means, with respect to an administrative reorganization, a written report that, at a minimum, includes the following:

“(A) Specification of the number of employees by which each covered office or facility affected is to be reduced, the responsibilities of those employees, and the means by which the reduction is to be accomplished.

“(B) Identification of any existing or planned office or facility at which the number of employees is to be increased and specification of the number and responsibilities of the additional employees at each such office or facility.

“(C) A description of the changes in the functions carried out at any existing office or facility and the functions to be assigned to an office or facility not in existence on the date that the plan and justification are submitted pursuant to subsection (b).

“(D) An explanation of the reasons for the determination that the reorganization is appropriate and advisable in terms of the statutory missions and long-term goals of the Department.

“(E) A description of the effects that the reorganization may have on the provision of benefits and services to veterans and dependents of veterans (including the provision of benefits and services through offices and facilities of the Department not directly affected by the reorganization).

“(F) Estimates of the costs of the reorganization and of the cost impact of the reorganization, together with analyses supporting those estimates.

#### “§ 511. Decisions of the Secretary; finality

“(a) The Secretary shall decide all questions of law and fact necessary to a decision by the Secretary under a law that affects the provision of benefits by the Secretary to veterans or the dependents or survivors of veterans. Subject to subsection (b), the decision of the Secretary as to any such question shall be final and conclusive and may not be reviewed by any other official or by any court, whether by an action in the nature of mandamus or otherwise.

“(b) The second sentence of subsection (a) does not apply to—

“(1) matters subject to section 502 of this title;

“(2) matters covered by sections 1975 and 1984 of this title;

“(3) matters arising under chapter 37 of this title; and

“(4) matters covered by chapter 72 of this title.

#### “§ 512. Delegation of authority; assignment of functions and duties

“(a) Except as otherwise provided by law, the Secretary may assign functions and duties, and delegate, or authorize successive redelegation of, authority to act and to render decisions, with respect to all laws administered by the Department, to such officers and employees as the Secretary may find necessary. Within the limitations of such delegations, redelegations, or assignments, all official acts and decisions of such officers and employees shall have the same force and effect as though performed or rendered by the Secretary.

“(b) There shall be included on the technical and administrative staff of the Secretary such staff officers, experts, inspectors, and assistants (including legal assistants) as the Secretary may prescribe.

#### “§ 513. Contracts and personal services

“The Secretary may, for purposes of all laws administered by the Department, accept uncompensated services, and enter into contracts or agreements with private or public agencies or persons (including contracts for services of translators without regard to any other law), for such necessary services (including personal services) as the Secretary may consider practicable. The Secretary may also enter into contracts or agreements with private concerns or public agencies for the hiring of passenger motor vehicles or aircraft for official travel whenever, in the Secretary's judgment, such arrangements are in the interest of efficiency or economy.

#### “§ 515. Administrative settlement of tort claims

“(a)(1) Notwithstanding the limitations contained in section 2672 of title 28, the Secretary may settle a claim for money damages against the United States cognizable under section 1346(b) or 2672 of title 28 or sec-

tion 7316 of this title to the extent the authority to do so is delegated to the Secretary by the Attorney General. Such delegation may not exceed the authority delegated by the Attorney General to United States attorneys to settle claims for money damages against the United States.

“(2) For purposes of this subsection, the term ‘settle’, with respect to a claim, means consider, ascertain, adjust, determine, and dispose of the claim, whether by full or partial allowance or by disallowance.

“(b) The Secretary may pay tort claims, in the manner authorized in the first paragraph of section 2672 of title 28, when such claims arise in foreign countries in connection with Department operations abroad. A claim may not be allowed under this subsection unless it is presented in writing to the Secretary within two years after the claim accrues.

#### “SUBCHAPTER II—SPECIFIED FUNCTIONS

#### “§ 521. Assistance to certain rehabilitation activities

“(a) The Secretary may assist any organization named in or approved under section 5902 of this title in providing recreational activities which would further the rehabilitation of disabled veterans. Such assistance may be provided only if—

“(1) the activities are available to disabled veterans on a national basis; and

“(2) a significant percentage of the individuals participating in the activities are eligible for rehabilitative services under chapter 17 of this title.

“(b) The Secretary may accept from any appropriate source contributions of funds and of other assistance to support the Secretary's provision of assistance for such activities.

“(c)(1) Subject to paragraph (2), the Secretary may authorize the use, for purposes approved by the Secretary in connection with the activity involved, of the seal and other official symbols of the Department and the name ‘Department of Veterans Affairs’ by—

“(A) any organization which provides an activity described in subsection (a) with assistance from the Secretary; and

“(B) any individual or entity from which the Secretary accepts a significant contribution under subsection (b) or an offer of such a contribution.

“(2) The use of such seal or name of any official symbol of the Department in an advertisement may be authorized by the Secretary under this subsection only if—

“(A) the Secretary has approved the advertisement; and

“(B) the advertisement contains a clear statement that no product, project, or commercial line of endeavor referred to in the advertisement is endorsed by the Department of Veterans Affairs.

#### “§ 522. Studies of rehabilitation of disabled persons

“(a) The Secretary may conduct studies and investigations, and prepare reports, relative to the rehabilitation of disabled persons, the relative abilities, aptitudes, and capacities of the several groups of the variously handicapped, and how their potentialities can best be developed and their services best used in gainful and suitable employment including the rehabilitation programs of foreign nations.

“(b) In carrying out this section, the Secretary (1) may cooperate with such public and private agencies as the Secretary considers advisable; and (2) may employ consultants who shall receive a reasonable per diem,

as prescribed by the Secretary, for each day actually employed, plus necessary travel and other expenses.

**"§ 523. Coordination and promotion of other programs affecting veterans and their dependents**

"(a) The Secretary shall seek to achieve (1) the maximum feasible effectiveness, coordination, and interrelationship of services among all programs and activities affecting veterans and their dependents carried out by and under all other departments, agencies, and instrumentalities of the executive branch, and (2) the maximum feasible coordination of such programs with programs carried out under this title. The Secretary shall actively promote the effective implementation, enforcement, and application of all provisions of law and regulations providing for special consideration, emphasis, or preference for veterans.

"(b) The Secretary shall seek to achieve the effective coordination of the provision, under laws administered by the Department, of benefits and services (and information about such benefits and services) with appropriate programs (and information about such programs) conducted by State and local governmental agencies and by private entities at the State and local level. In carrying out this subsection, the Secretary shall place special emphasis on veterans who are 65 years of age or older.

**"§ 525. Publication of laws relating to veterans**

"(a) The Secretary may compile and publish all Federal laws relating to veterans' relief, including laws administered by the Department as well as by other agencies of the Government. Such compilation and publication shall be in such form as the Secretary considers advisable for the purpose of making currently available in convenient form for the use of the Department and full-time representatives of the several service organizations an annotated, indexed, and cross-referenced statement of the laws providing veterans' relief.

"(b) The Secretary may maintain such compilation on a current basis either by the publication, from time to time, of supplementary documents or by complete revision of the compilation.

"(c) The distribution of the compilation to the representatives of the several service organizations shall be as determined by the Secretary.

**"§ 527. Evaluation and data collection**

"(a) The Secretary, pursuant to general standards which the Secretary shall prescribe in regulations, shall measure and evaluate on a continuing basis the effect of all programs authorized under this title, in order to determine their effectiveness in achieving stated goals in general, and in achieving such goals in relation to their cost, their effect on related programs, and their structure and mechanisms for delivery of services. Such information as the Secretary may consider necessary for purposes of such evaluations shall be made available to the Secretary, upon request, by all departments, agencies, and instrumentalities of the executive branch.

"(b) In carrying out this section, the Secretary shall collect, collate, and analyze on a continuing basis full statistical data regarding participation (including the duration thereof), provision of services, categories of beneficiaries, planning and construction of facilities, acquisition of real property, proposed excessing of land, accretion and attrition of personnel, and categorized expendi-

tures attributable thereto, under all programs carried out under this title.

"(c) The Secretary shall make available to the public, and on a regular basis provide to the appropriate committees of the Congress, copies of all completed evaluative research studies and summaries of evaluations of program impact and effectiveness carried out, and tabulations and analyses of all data collected, under this section.

**"§ 529. Annual report to Congress**

"The Secretary shall submit annually, at the close of each fiscal year, a report in writing to Congress. Each such report shall—

"(1) give an account of all moneys received and disbursed by the Department for such fiscal year;

"(2) describe the work done during such fiscal year; and

"(3) state the activities of the Department for such fiscal year.

**"SUBCHAPTER III—ADVISORY COMMITTEES**

**"§ 541. Advisory Committee on Former Prisoners of War**

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Former Prisoners of War (hereinafter in this section referred to as the 'Committee').

"(2)(A) The members of the Committee shall be appointed by the Secretary from the general public and shall include—

"(i) appropriate representatives of veterans who are former prisoners of war;

"(ii) individuals who are recognized authorities in fields pertinent to disabilities prevalent among former prisoners of war, including authorities in epidemiology, mental health, nutrition, geriatrics, and internal medicine; and

"(iii) appropriate representatives of disabled veterans.

"(B) The Committee shall also include, as ex officio members, the Chief Medical Director and the Chief Benefits Director, or their designees.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that the term of service of any such member may not exceed three years.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits under this title for veterans who are former prisoners of war and the needs of such veterans with respect to compensation, health care, and rehabilitation.

"(c)(1) Not later than July 1 of each odd-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to veterans who are former prisoners of war. Each such report shall include—

"(A) an assessment of the needs of such veterans with respect to compensation, health care, and rehabilitation;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers to be appropriate.

"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and rec-

ommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted to the Congress pursuant to that section.

**"§ 542. Advisory Committee on Women Veterans**

"(a)(1) The Secretary shall establish an advisory committee to be known as the Advisory Committee on Women Veterans (hereinafter in this section referred to as 'the Committee').

"(2)(A) The Committee shall consist of members appointed by the Secretary from the general public, including—

"(i) representatives of women veterans;

"(ii) individuals who are recognized authorities in fields pertinent to the needs of women veterans, including the gender-specific health-care needs of women; and

"(iii) representatives of both female and male veterans with service-connected disabilities, including at least one female veteran with a service-connected disability and at least one male veteran with a service-connected disability.

"(B) The Committee shall include, as ex officio members—

"(i) the Secretary of Labor (or a representative of the Secretary of Labor designated by the Secretary after consultation with the Assistant Secretary of Labor for Veterans' Employment);

"(ii) the Secretary of Defense (or a representative of the Secretary of Defense designated by the Secretary of Defense after consultation with the Defense Advisory Committee on Women in the Services); and

"(iii) the Chief Medical Director and the Chief Benefits Director, or their designees.

"(C) The Secretary may invite representatives of other departments and agencies of the United States to participate in the meetings and other activities of the Committee.

"(3) The Secretary shall determine the number, terms of service, and pay and allowances of members of the Committee appointed by the Secretary, except that a term of service of any such member may not exceed three years. The Secretary may reappoint any such member for additional terms of service.

"(b) The Secretary shall, on a regular basis, consult with and seek the advice of the Committee with respect to the administration of benefits by the Department for women veterans, reports and studies pertaining to women veterans and the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department.

"(c)(1) Not later than July 1 of each even-numbered year, the Committee shall submit to the Secretary a report on the programs and activities of the Department that pertain to women veterans. Each such report shall include—

"(A) an assessment of the needs of women veterans with respect to compensation, health care, rehabilitation, outreach, and other benefits and programs administered by the Department;

"(B) a review of the programs and activities of the Department designed to meet such needs; and

"(C) such recommendations (including recommendations for administrative and legislative action) as the Committee considers appropriate.



"(2) The Secretary shall, within 60 days after receiving each report under paragraph (1), submit to the Congress a copy of the report, together with any comments concerning the report that the Secretary considers appropriate.

"(3) The Committee may also submit to the Secretary such other reports and recommendations as the Committee considers appropriate.

"(4) The Secretary shall submit with each annual report submitted to the Congress pursuant to section 529 of this title a summary of all reports and recommendations of the Committee submitted to the Secretary since the previous annual report of the Secretary submitted pursuant to such section.

#### "CHAPTER 7—EMPLOYEES

"Sec.

"701. Placement of employees in military installations.

"703. Miscellaneous authorities respecting employees.

"705. Telephone service for medical officers and facility directors.

"707. Benefits for employees at overseas offices who are United States citizens.

"709. Employment restrictions.

"711. Grade reductions.

"§ 701. Placement of employees in military installations

"The Secretary may place employees of the Department in such Army, Navy, and Air Force installations as may be considered advisable for the purpose of adjudicating disability claims of, and giving aid and advice to, members of the Armed Forces who are about to be discharged or released from active military, naval, or air service.

"§ 703. Miscellaneous authorities respecting employees

"(a) The Secretary may furnish and launder such wearing apparel as may be prescribed for employees in the performance of their official duties.

"(b) The Secretary may transport children of Department employees located at isolated stations to and from school in available Government-owned automotive equipment.

"(c) The Secretary may provide recreational facilities, supplies, and equipment for the use of patients in hospitals and employees in isolated installations.

"(d) The Secretary may provide for the preparation, shipment, installation, and display of exhibits, photographic displays, moving pictures, and other visual educational information and descriptive material. For the purposes of the preceding sentence, the Secretary may purchase or rent equipment.

"(e) The Secretary may reimburse employees for the cost of repairing or replacing their personal property damaged or destroyed by patients or domiciliary members while such employees are engaged in the performance of their official duties.

"(f)(1) The Secretary, upon determining that an emergency situation exists and that such action is necessary for the effective conduct of the affairs of the Department, may use Government-owned, or leased, vehicles to transport employees to and from their place of employment and the nearest adequate public transportation or, if such public transportation is either unavailable or not feasible to use, to and from their place of employment and their home.

"(2) The Secretary shall establish reasonable rates to cover the cost of the service rendered under this subsection, and all proceeds collected therefrom shall be applied to the applicable appropriation.

"§ 705. Telephone service for medical officers and facility directors

"The Secretary may pay for official telephone service and rental in the field whenever incurred in case of official telephones for directors of centers, hospitals, independent clinics, domiciliaries, and medical officers of the Department where such telephones are installed in private residences or private apartments or quarters, when authorized under regulations prescribed by the Secretary.

"§ 707. Benefits for employees at overseas offices who are United States citizens

"(a) The Secretary may, under such rules and regulations as may be prescribed by the President or the President's designee, provide to personnel of the Department who are United States citizens and are assigned by the Secretary to the Department offices in the Republic of the Philippines allowances and benefits similar to those provided by the following provisions of law:

"(1) Section 905 of the Foreign Service Act of 1980 (relating to allowances to provide for the proper representation of the United States).

"(2) Sections 901(1), (2), (3), (4), (7), (8), (9), (11), and (12) of the Foreign Service Act of 1980 (relating to travel expenses).

"(3) Section 901(13) of the Foreign Service Act of 1980 (relating to transportation of automobiles).

"(4) Section 903 of the Foreign Service Act of 1980 (relating to the return of personnel to the United States on leave of absence).

"(5) Section 904(d) of the Foreign Service Act of 1980 (relating to payments by the United States of expenses for treating illness or injury of officers or employees and dependents requiring hospitalization).

"(6) Section 5724a(a)(3) of title 5 (relating to subsistence expenses for 60 days in connection with the return to the United States of the employee and such employee's immediate family).

"(7) Section 5724a(a)(4) of title 5 (relating to the sale and purchase of the residence or settlement of an unexpired lease of the employee when transferred from one station to another station and both stations are in the United States, its territories or possessions, or the Commonwealth of Puerto Rico).

"(b) The authority in subsection (a) supplements, but is not in lieu of, other allowances and benefits for overseas employees of the Department provided by title 5 and the Foreign Service Act of 1980 (22 U.S.C. 3901 et seq.).

"§ 709. Employment restrictions

"(a)(1) Notwithstanding section 3134(d) of title 5, the number of Senior Executive Service positions in the Department which are filled by noncareer appointees in any fiscal year may not at any time exceed 5 percent of the average number of senior executives employed in Senior Executive Service positions in the Department during the preceding fiscal year.

"(2) For purposes of this subsection, the average number of senior executives employed in Senior Executive Service positions in the Department during a fiscal year shall be equal to 25 percent of the sum of the total number of senior executives employed in Senior Executive Service positions in the Department on the last day of each quarter of such fiscal year.

"(b) The number of positions in the Department which may be excepted from the competitive service, on a temporary or permanent basis, because of their confidential or policy-determining character may not at

any time exceed the equivalent of 15 positions.

"(c)(1) Political affiliation or activity may not be taken into account in connection with the appointment of any person to any position in or to perform any service for the Department or in the assignment or advancement of any employee in the Department.

"(2) Paragraph (1) shall not apply—

"(A) to the appointment of any person by the President under this title, other than the appointment of the Chief Medical Director, the Chief Benefits Director, and the Inspector General; or

"(B) to the appointment of any person to (i) a Senior Executive Service position as a noncareer appointee, or (ii) a position that is excepted from the competitive service, on a temporary or permanent basis, because of the confidential or policy-determining character of the position.

"§ 711. Grade reductions

"(a) The Secretary may not implement a grade reduction described in subsection (b) unless the Secretary first submits to the Committees on Veterans' Affairs of the Senate and House of Representatives a report containing a detailed plan for such reduction and a detailed justification for the plan. The report shall include a determination by the Secretary (together with data supporting such determination) that, in the personnel area concerned, the Department has a disproportionate number of employees at the salary grade or grades selected for reduction in comparison to the number of such employees at the salary levels involved who perform comparable functions in other departments and agencies of the Federal Government and in non-Federal entities. Any grade reduction described in such report may not take effect until the end of a period of 90 calendar days (not including any day on which either House of Congress is not in session) after the report is received by the committees.

"(b) A grade reduction referred to in subsection (a) is a systematic reduction, for the purpose of reducing the average salary cost for Department employees described in subsection (c), in the number of such Department employees at a specific grade level.

"(c) The employees referred to in subsection (b) are—

"(1) health-care personnel who are determined by the Secretary to be providing either direct patient-care services or services incident to direct patient-care services;

"(2) individuals who meet the definition of professional employee as set forth in section 7103(a)(15) of title 5; and

"(3) individuals who are employed as computer specialists.

"(d) Not later than the 45th day after the Secretary submits a report under subsection (a), the Comptroller General shall submit to such Committees a report on the Secretary's compliance with such subsection. The Comptroller General shall include in the report the Comptroller General's opinion as to the accuracy of the Secretary's determination (and of the data supporting such determination) made under such subsection.

"(e) In the case of Department employees not described in subsection (c), the Secretary may not in any fiscal year implement a systematic reduction for the purpose of reducing the average salary cost for such Department employees that will result in a reduction in the number of such Department employees at any specific grade level at a rate greater than the rate of the reductions systematically being made in the numbers of employees at such grade level in all other agencies and departments of the Federal Government combined.

**"CHAPTER 9—SECURITY AND LAW ENFORCEMENT ON PROPERTY UNDER THE JURISDICTION OF THE DEPARTMENT"**

"Sec.

"901. Authority to prescribe rules for conduct and penalties for violations.

"902. Enforcement and arrest authority of Department police officers.

"903. Uniform allowance.

"904. Equipment and weapons.

"905. Use of facilities and services of other law enforcement agencies.

**"§901. Authority to prescribe rules for conduct and penalties for violations"**

"(a)(1) The Secretary shall prescribe regulations to provide for the maintenance of law and order and the protection of persons and property on Department property.

"(2) In this chapter, the term 'Department property' means land and buildings that are under the jurisdiction of the Department and are not under control of the Administrator of General Services.

"(b) Regulations under subsection (a) shall include—

"(1) rules for conduct on Department property; and

"(2) the penalties, within the limits specified in subsection (c), for violations of such rules.

"(c) Whoever violates any rule prescribed by regulation under subsection (b)(1) shall be fined in accordance with title 18 or imprisoned not more than six months, or both. The Secretary may prescribe by regulation a maximum fine less than that which would otherwise apply under the preceding sentence or a maximum term of imprisonment of a shorter period than that which would otherwise apply under the preceding sentence, or both. Any such regulation shall apply notwithstanding any provision of title 18 or any other law to the contrary.

"(d) The rules prescribed under subsection (a), together with the penalties for violations of such rules, shall be posted conspicuously on property to which they apply.

"(e) The Secretary shall consult with the Attorney General before prescribing regulations under this section.

**"§902. Enforcement and arrest authority of Department police officers"**

"(a)(1) Employees of the Department who are Department police officers shall, with respect to acts occurring on Department property, enforce—

"(A) Federal laws;

"(B) the rules prescribed under section 901 of this title; and

"(C) subject to paragraph (2), traffic and motor vehicle laws of a State or local government within the jurisdiction of which such Department property is located.

"(2) A law described in subparagraph (C) of paragraph (1) may be enforced under such subparagraph only as authorized by an express grant of authority under applicable State or local law. Any such enforcement shall be by the issuance of a citation for violation of such law.

"(3) Subject to regulations prescribed under subsection (b), a Department police officer may make arrests on Department property for a violation of a Federal law or any rule prescribed under section 901(a) of this title.

"(b) The Secretary shall prescribe regulations with respect to Department police officers. Such regulations shall include—

"(1) policies with respect to the exercise by Department police officers of the enforce-

ment and arrest authorities provided by this section;

"(2) the scope and duration of training that is required for Department police officers, with particular emphasis on dealing with situations involving patients; and

"(3) rules limiting the carrying and use of weapons by Department police officers.

"(c) The Secretary shall consult with the Attorney General before prescribing regulations under paragraph (1) of subsection (b).

"(d) Rates of basic pay for Department police officers may be increased by the Secretary under section 7455 of this title.

**"§903. Uniform allowance"**

"(a) The Secretary may pay an allowance under this section for the purchase of uniforms to any Department police officer who is required to wear a prescribed uniform in the performance of official duties.

"(b) The amount of the allowance that the Secretary may pay under this section—

"(1) may be based on estimated average costs or actual costs;

"(2) may vary by geographic regions; and

"(3) except as provided in subsection (c), may not exceed \$200 in a fiscal year for any police officer.

"(c) The amount of an allowance under this section may be increased to an amount up to \$400 for not more than one fiscal year in the case of any Department police officer. In the case of a person who is appointed as a Department police officer on or after January 1, 1990, an allowance in an amount established under this subsection shall be paid at the beginning of such person's employment as such an officer. In the case of any other Department police officer, an allowance in an amount established under this subsection shall be paid upon the request of the officer.

"(d) A police officer who resigns as a police officer less than one year after receiving an allowance in an amount established under this section shall repay to the Department a pro rata share of the amount paid, based on the number of months the officer was actually employed as such an officer during the twelve-month period following the date on which such officer began such employment or the date on which the officer submitted a request for such an allowance, as the case may be.

"(e) An allowance may not be paid to a Department police officer under this section and under section 5901 of title 5 for the same fiscal year.

**"§904. Equipment and weapons"**

"The Secretary shall furnish Department police officers with such weapons and related equipment as the Secretary determines to be necessary and appropriate.

**"§905. Use of facilities and services of other law enforcement agencies"**

"With the permission of the head of the agency concerned, the Secretary may use the facilities and services of Federal, State, and local law enforcement agencies when it is economical and in the public interest to do so."

(b) VETERANS BENEFITS ADMINISTRATION.—Part V of title 38, United States Code, is amended by inserting after chapter 76 the following new chapter:

**"CHAPTER 77—VETERANS BENEFITS ADMINISTRATION"**

**"SUBCHAPTER I—ORGANIZATION; GENERAL"**

"Sec.

"7701. Organization of the Administration.

"7703. Functions of the Administration.

**"SUBCHAPTER II—VETERANS OUTREACH SERVICES PROGRAM"**

"7721. Purpose; definitions.

"7722. Outreach services.

"7723. Veterans assistance offices.

"7724. Outstationing of counseling and outreach personnel.

"7725. Use of other agencies.

"7726. Annual report to Congress.

**"SUBCHAPTER I—ORGANIZATION; GENERAL"**

**"§7701. Organization of the Administration"**

"(a) There is in the Department of Veterans Affairs a Veterans Benefits Administration. The primary function of the Veterans Benefits Administration is the administration of nonmedical benefits programs of the Department which provide assistance to veterans and their dependents and survivors.

"(b) The Veterans Benefits Administration is under the Chief Benefits Director, who is directly responsible to the Secretary for the operations of the Administration.

**"§7703. Functions of the Administration"**

"The Veterans Benefits Administration is responsible for the administration of the following programs of the Department:

"(1) Compensation and pension programs.

"(2) Vocational rehabilitation and educational assistance programs.

"(3) Veterans' housing loan programs.

"(4) Veterans' and servicemembers' life insurance programs.

"(5) Outreach programs and other veterans' services programs.

**"SUBCHAPTER II—VETERANS OUTREACH SERVICES PROGRAM"**

**"§7721. Purpose; definitions"**

"(a) The Congress declares that the outreach services program authorized by this subchapter is for the purpose of ensuring that all veterans (especially those who have been recently discharged or released from active military, naval, or air service and those who are eligible for readjustment or other benefits and services under laws administered by the Department) are provided timely and appropriate assistance to aid and encourage them in applying for and obtaining such benefits and services in order that they may achieve a rapid social and economic readjustment to civilian life and obtain a higher standard of living for themselves and their dependents. The Congress further declares that the outreach services program authorized by this subchapter is for the purpose of charging the Department with the affirmative duty of seeking out eligible veterans and eligible dependents and providing them with such services.

"(b) For the purposes of this subchapter—

"(1) the term 'other governmental programs' includes all programs under State or local laws as well as all programs under Federal law other than those authorized by this title; and

"(2) the term 'eligible dependent' means an 'eligible person' as defined in section 3501(a)(1) of this title.

**"§7722. Outreach services"**

"(a) In carrying out the purposes of this subchapter, the Secretary shall provide the outreach services specified in subsections (b) through (d). In areas where a significant number of eligible veterans and eligible dependents speak a language other than English as their principal language, such services shall, to the maximum feasible extent, be provided in the principal language of such persons.

"(b) The Secretary shall by letter advise each veteran at the time of the veteran's discharge or release from active military, naval, or air service (or as soon as possible after such discharge or release) of all bene-



fits and services under laws administered by the Department for which the veteran may be eligible. In carrying out this subsection, the Secretary shall ensure, through the use of veteran-student services under section 3485 of this title, that contact, in person or by telephone, is made with those veterans who, on the basis of their military service records, do not have a high school education or equivalent at the time of discharge or release.

"(c) The Secretary shall distribute full information to eligible veterans and eligible dependents regarding all benefits and services to which they may be entitled under laws administered by the Department and may, to the extent feasible, distribute information on other governmental programs (including manpower and training programs) which the Secretary determines would be beneficial to veterans.

"(d) The Secretary shall provide, to the maximum extent possible, aid and assistance (including personal interviews) to members of the Armed Forces, veterans, and eligible dependents with respect to subsections (b) and (c) and in the preparation and presentation of claims under laws administered by the Department.

#### "§ 7723. Veterans assistance offices

"(a) The Secretary shall establish and maintain veterans assistance offices at such places throughout the United States and its territories and possessions, and in the Commonwealth of Puerto Rico, as the Secretary determines to be necessary to carry out the purposes of this subchapter. In establishing and maintaining such offices, the Secretary shall give due regard to—

"(1) the geographical distribution of veterans recently discharged or released from active military, naval, or air service;

"(2) the special needs of educationally disadvantaged veterans (including their need for accessibility of outreach services); and

"(3) the necessity of providing appropriate outreach services in less populated areas.

"(b) The Secretary shall establish and carry out all possible programs and services, including special telephone facilities, as may be necessary to make the outreach services provided for under this subchapter as widely available as possible.

#### "§ 7724. Outstationing of counseling and outreach personnel

"The Secretary may station employees of the Department at locations other than Department offices, including educational institutions, to provide counseling and other assistance regarding benefits under this title to veterans and other persons eligible for benefits under this title and to provide outreach services under this subchapter.

#### "§ 7725. Use of other agencies

"In carrying out this subchapter, the Secretary shall do the following:

"(1) Arrange with the Secretary of Labor for the State employment service to match the particular qualifications of an eligible veteran or eligible dependent with an appropriate job or job training opportunity, including, where possible, arrangements for outstationing the State employment personnel who provide such assistance at appropriate facilities of the Department.

"(2) In consultation with the Secretary of Labor, actively seek to promote the development and establishment of employment opportunities, training opportunities, and other opportunities for veterans, with particular emphasis on the needs of veterans with service-connected disabilities and other eligible veterans, taking into account appli-

cable rates of unemployment and the employment emphases set forth in chapter 42 of this title.

"(3) Cooperate with and use the services of any Federal department or agency or any State or local governmental agency or recognized national or other organization.

"(4) Where appropriate, make referrals to any Federal department or agency or State or local governmental unit or recognized national or other organization.

"(5) At the Secretary of Veterans Affairs discretion, furnish available space and office facilities for the use of authorized representatives of such governmental unit or other organization providing services.

"(6) Conduct and provide for studies in consultation with appropriate Federal departments and agencies to determine the most effective program design to carry out the purposes of this subchapter.

#### "§ 7726. Annual report to Congress

"The Secretary shall include in the annual report to the Congress required by section 529 of this title a report on the activities carried out under this subchapter. Each such report shall include an appraisal of the effectiveness of the programs authorized in this subchapter and recommendations for the improvement or more effective administration of those programs."

#### (c) CROSS-REFERENCES TO PREVIOUS CHAPTER 3 SECTIONS.—

(1) Section 621 is amended by striking out "section 210(c)(1)" and inserting in lieu thereof "section 501(a)".

(2) Section 1685(a)(1) is amended by striking out "subchapter IV of chapter 3" and inserting in lieu thereof "subchapter II of chapter 77".

(3) The following sections are amended by striking out "section 214" and inserting in lieu thereof "section 529": sections 618(c)(3), 654, 1521(c), 1833(c)(2), and 7101(c)(3).

(4) Section 2003A(b)(2) is amended by striking out "section 242" and inserting in lieu thereof "section 7723".

(5) Section 2014(g) is amended by striking out "section 241" and "section 243" and inserting in lieu thereof "section 7722" and "section 7724", respectively.

(6) Section 5701(g)(2)(A)(ii) is amended by striking out "section 219" and inserting in lieu thereof "section 527".

(7) Section 7455(a)(2)(C) is amended by striking out "section 218" and inserting in lieu thereof "section 902".

#### (d) TABLES OF CHAPTERS.—

(1) The table of chapters before part I is amended—

(A) by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

"3. Department of Veterans Affairs ... 301

"5. Authority and Duties of the Secretary ... 501

"7. Employees ... 701

"9. Security and Law Enforcement on Property Under the Jurisdiction of the Department ... 901".

and

(B) by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(2) The table of chapters at the beginning of part I is amended by striking out the item relating to chapter 3 and inserting in lieu thereof the following:

"77. Veterans Benefits Administration ... 7701".

(3) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(4) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(5) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

"5. Authority and Duties of the Secretary ... 501

"7. Employees ... 701

"9. Security and Law Enforcement on Property Under the Jurisdiction of the Department ... 901".

(3) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(4) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(5) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(6) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(7) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(8) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(9) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(10) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(11) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(12) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(13) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(14) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(15) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(16) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(17) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(18) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(19) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(20) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(21) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(22) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(23) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(24) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(25) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(26) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(27) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(28) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(29) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(30) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(31) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(32) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(33) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(34) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(35) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(36) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(37) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(38) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(39) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(40) The table of chapters at the beginning of part V is amended by inserting after the item relating to chapter 76 the following new item:

"77. Veterans Benefits Administration ... 7701".

(C) The following provisions of chapter 19 are amended by striking out "in the Veterans' Administration" and inserting in lieu thereof "by the Secretary":

- (i) The second sentence of section 707(b).
- (ii) Section 712(b).
- (iii) Section 742(c).

(D) The following provisions of chapter 19 are amended by striking out "in the Veterans' Administration" and inserting in lieu thereof "with the Secretary":

- (i) Section 722(b)(3).
- (ii) Section 784(b) (in the third sentence).

(E) Section 601(4) is amended by striking out "Veterans' Administration facilities" and inserting in lieu thereof "facilities of the Department".

(F) Section 5705(b) is amended—

(i) by striking out "Veterans' Administration patient or employee," in paragraph (2) and inserting in lieu thereof "patient or employee of the Department,"; and

(ii) by striking out "Veterans' Administration patients or employees" in paragraph (6) and inserting in lieu thereof "patients or employees of the Department,".

(3) Such title is further amended by striking out "Veterans' Administration" each place it appears (other than as amended under paragraphs (1) and (2) and as specified in paragraph (4)) and inserting in lieu thereof "Department".

(4) Paragraph (3) does not apply to the following provisions:

- (A) Section 532(c).
- (B) Section 1000(b) (each place the term "Veterans' Administration" appears).
- (C) Section 1004(c)(2)(A).
- (D) Section 5311.

(5) Such title is further amended by striking out "non-Veterans' Administration" each place it appears and inserting in lieu thereof "non-Department".

(6) Section 111(b)(3)(B) is amended by striking out "Veteran's Administration facility" and inserting in lieu thereof "Department facility".

(b) REFERENCES TO ADMINISTRATOR.—

(1) Title 38 is further amended by striking out "Administrator" and "Administrators" each place they appear (except as provided in paragraphs (2) and (9) and including where they appear in section headings and tables of sections) and inserting in lieu thereof "Secretary" and "Secretaries", respectively.

(2)(A) Section 422 is amended—

(i) in subsection (a), by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(ii) in subsection (b)—

(I) by striking out "Upon the basis of" and all that follows through "shall pay to the Secretary" and inserting in lieu thereof "The Secretary shall pay to the Secretary of Health and Human Services"; and

(II) by striking out "as the Secretary and the Administrator may prescribe" and inserting in lieu thereof "as the two Secretaries may prescribe, with the amount of such payments to be made on the basis of estimates made by the Secretary of Health and Human Services after consultation with the Secretary".

(B) Section 613(b)(1) is amended—

(i) by striking out "Administrator" and inserting in lieu thereof "Secretary of Veterans Affairs";

(ii) by striking out "the Secretary" the second and third places it appears and inserting in lieu thereof "that Secretary"; and

(iii) by striking out "the Secretary" the last place it appears and inserting in lieu thereof "the Secretary of Defense".

(C) Section 723(c) is amended by striking out "the Administrator and Secretary" at the end of the first sentence and inserting in lieu thereof "the two Secretaries".

(D) Section 8153(d)(2) is amended by striking out "the Secretary and the Administrator" and inserting in lieu thereof "the two Secretaries".

(E) Paragraph (1) does not apply to the following provisions:

- (i) Section 101(1).
- (ii) Section 111 the second place "Administrator" appears in subsection (g)(1) of that section.
- (iii) Section 1652(b).
- (iv) Section 5105.
- (v) Section 7267(e) the second place "Administrator" appears.
- (vi) Section 8111A(d).

(3)(A) The heading of section 423 is amended to read as follows:

**"§ 423. Certifications with respect to circumstances of death."**

(B) The item relating to that section in the table of sections at the beginning of chapter 13 is amended to read as follows:

"423. Certifications with respect to circumstances of death."

(4) The following provisions are amended by striking out "the Secretary" and inserting in lieu thereof "that Secretary":

(A) Section 560(b) (the second place "the Secretary" appears).

(B) Section 5110(j) (the second place "the Secretary" appears).

(C) Section 5301(c)(2) (the second, third, and fourth place "the Secretary" appears).

(5) Section 612(j) is amended by striking out "the Secretary" in the second and third sentences and inserting in lieu thereof "the Secretary of Health and Human Services".

(6) Section 612A(h) is repealed.

(7) Section 1004(c)(2)(A) is amended by striking out "Secretary" the first place it appears and inserting in lieu thereof "Administrator of Veterans Affairs".

(8) Section 2012 is amended by striking out "Secretary" each place it appears in subsections (c) and (d) and inserting in lieu thereof "Secretary of Labor".

(9) Section 5105 is amended—

(A) by inserting "(a)" at the beginning of the text of the section;

(B) by striking out "Administrator" in the first sentence and inserting in lieu thereof "Secretary";

(C) by striking out "and" in the second sentence and inserting in lieu thereof a period;

(D) by striking out "when an application on such form has been filed with either the Administrator" and inserting in lieu thereof the following (indented so as to make the following text a new subsection):

"(b) When an application on such a form is filed with either the Secretary";

(E) by striking out "filed with the Administrator" and inserting in lieu thereof "filed with either Secretary";

(F) by striking out "received by the Administrator" and inserting in lieu thereof "received by that Secretary";

(G) by striking out "needed by the Secretary" and inserting in lieu thereof "needed by the other Secretary";

(H) by striking out "by the Administrator to the Secretary;" and inserting in lieu thereof "by the Secretary receiving the application to the other Secretary";

(I) by striking out "and a copy" and all that follows through "to the Administrator"; and

(J) by striking out "the Secretary and the Administrator" in the last sentence and in-

serting in lieu thereof "the Secretary and the Secretary of Health and Human Services".

(c) REFERENCES TO CHIEF LAW OFFICER.—Section 7104(c) is amended by striking out "chief law officer" and inserting in lieu thereof "chief legal officer of the Department".

## SEC. 5. REDESIGNATION OF SECTIONS OF CHAPTERS 11 THROUGH 42.

(a) REDESIGNATION OF SECTIONS TO CONFORM TO CHAPTER NUMBERS.—Each section contained in any of chapters 11 through 23 is redesignated by replacing the first digit of the section number with the number of the chapter containing that section. Each section contained in any of chapters 24 through 42 is redesignated so that the first two digits of the section number of that section are the same as the chapter number of the chapter containing that section.

(b) TABLES OF SECTIONS AND CHAPTERS.—(1) The tables of sections at the beginning of the chapters referred to in subsection (a) are revised so as to conform the section references in those tables to the redesignations made by that subsection.

(2) The table of chapters before part I and the tables of chapters at the beginning of parts I, II, and III are revised so as to conform the section references in those tables to the redesignations made by subsection (a).

(c) CROSS-REFERENCES.—(1) Each provision of title 38, United States Code, that contains a reference to a section redesignated by subsection (a) is amended so that the reference refers to the section as redesignated.

(2) Any reference in a provision of law other than title 38, United States Code, to a section redesignated by subsection (a) shall be deemed to refer to the section as so redesignated.

(d) RULE FOR EXECUTION.—The redesignations made by subsection (a) and the amendments made by subsections (b) and (c) shall be executed after any other amendments made by this Act.

## SEC. 6. CONFORMING AMENDMENTS TO OTHER VETERANS LAWS TO REFLECT THE ESTABLISHMENT OF THE DEPARTMENT OF VETERANS AFFAIRS.

(a) PUBLIC LAW 94-581.—Section 105(b) of the Veterans Omnibus Health Care Act of 1976 (Public Law 94-581; 38 U.S.C. 619 note) is amended—

(1) by striking out "Administrator is authorized to" and inserting in lieu thereof "Secretary of Veterans Affairs may";

(2) by striking out "Veterans' Administration" the first place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(3) by striking out "Veterans' Administration facilities and personnel" and inserting in lieu thereof "facilities and personnel of the Department";

(4) by striking out "Veterans' Administration health care facilities" and inserting in lieu thereof "health care facilities of the Department";

(5) by striking out "Administrator deems" and inserting in lieu thereof "Secretary considers"; and

(6) by striking out "Administrator" both places it appears in paragraph (2) and inserting in lieu thereof "Secretary".

(b) PUBLIC LAW 95-202.—Section 401 of the GI Bill Improvement Act of 1977 (38 U.S.C. 106 note) is amended by striking out "laws administered by the Veterans' Administration" in subsections (a)(1) and (b)(2) and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(c) PUBLIC LAW 95-588.—Section 306 of the Veterans' and Survivors' Pension Improve-



ment Act of 1978 (38 U.S.C. 521 note) is amended—

(1) by striking out "Administrator" in subsection (a)(1)(A) and inserting in lieu thereof "Secretary of Veterans Affairs (hereinafter in this section referred to as the 'Secretary')";

(2) by striking out "Administrator of Veterans Affairs" in subsections (a)(3), (b)(2)(A), and (e) and inserting in lieu thereof "Secretary"; and

(3) by striking out "Administrator" in subsection (b)(4) and inserting in lieu thereof "Secretary".

(d) PUBLIC LAW 96-22.—Section 103(b) of the Veterans' Health Care Amendments of 1979 (Public Law 96-22; 38 U.S.C. 612A note) is amended by striking out "the date of the enactment of this Act, the Administrator of Veterans Affairs" and inserting in lieu thereof "June 13, 1979, the Secretary of Veterans Affairs".

(e) PUBLIC LAW 96-128.—Section 502 of the Veterans' Disability Compensation and Survivors' Benefits Amendments of 1979 (Public Law 96-128; 38 Stat. 987) is amended—

(1) by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "such Administrator" both places it appears and inserting in lieu thereof "such Secretary"; and

(3) by striking out "Veterans' Administration" and inserting in lieu thereof "Department of Veterans Affairs".

(f) PUBLIC LAW 98-160.—Section 302 of the Veterans Health Care Amendments of 1983 (Public Law 98-160; 38 U.S.C. 601 note) is amended—

(1) by striking out "The Administrator of Veterans Affairs" and inserting in lieu thereof "The Secretary of Veterans Affairs";

(2) by striking out "the Administrator" and inserting in lieu thereof "the Secretary"; and

(3) by striking out "Department of Medicine and Surgery" and inserting in lieu thereof "Veterans Health Administration".

(g) PUBLIC LAW 99-238.—Section 202 of the Veterans' Compensation Rate Increase and Job Training Amendments of 1985 (38 U.S.C. 1516 note) is amended—

(1) by striking out "Administrator of Veterans Affairs" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs"; and

(2) by striking out "Administrator" in subsection (b) and inserting in lieu thereof "Secretary of Veterans Affairs".

(h) PUBLIC LAW 99-576.—Section 232 of the Veterans' Benefits Improvement and Health-Care Authorization Act of 1986 (38 U.S.C. 354 note) is amended as follows:

(1) Subsection (a) is amended by striking out "Administrator of Veterans Affairs" and inserting in lieu thereof "Secretary of Veterans Affairs".

(2) Subsection (b) is amended by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Subsection (c) is amended by striking out "before the date of the enactment of this Act, the Administrator" and inserting in lieu thereof "before October 28, 1986, the Secretary".

(4) Subsection (d) is amended—

(A) by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs";

(C) by striking out "the Department of Veterans' Benefits and the Department of Medicine and Surgery" in paragraph (1)(A) and inserting in lieu thereof "the Veterans Benefits Administration and the Veterans Health Administration"; and

(D) by striking out "after the enactment of this Act" and inserting in lieu thereof "after October 28, 1986".

(5) Subsection (e) is amended by striking out "Administrator" both places it appears and inserting in lieu thereof "Secretary of Veterans Affairs".

(i) PUBLIC LAW 100-198.—Section 9 of the Veterans' Home Loan Program Improvements and Property Rehabilitation Act of 1987 (38 U.S.C. 1823 note) is amended—

(1) by striking out "Administrator of Veterans Affairs" in subsections (a)(1) and (b)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "Administrator" each additional place it appears in subsections (a) and (b) and inserting in lieu thereof "Secretary of Veterans Affairs";

(3) by striking out "Veterans' Administration's ability" in subsection (a)(3)(A) and inserting in lieu thereof "ability of the Department of Veterans Affairs"; and

(4) by striking out "Veterans' Administration" in subsections (a)(3)(A)(i) and (a)(3)(C) and inserting in lieu thereof "Department of Veterans Affairs".

(j) PUBLIC LAW 100-322.—The Veterans' Benefits and Services Act of 1988 (Public Law 100-322) is amended as follows:

(1) Section 115 (38 U.S.C. 612 note) is amended—

(A) by striking out "Administrator" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (a)(2), (b), and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears (other than in subsection (e)) and inserting in lieu thereof "Department of Veterans Affairs".

(2) Section 123 (38 U.S.C. 210 note) is amended—

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsections (b) and (c) and inserting in lieu thereof "Secretary"; and

(C) by striking out "Veterans' Administration" each place it appears and inserting in lieu thereof "Department of Veterans Affairs".

(3) Section 124 (38 U.S.C. 4133 note) is amended—

(A) by striking out "Administrator" in subsection (a) and inserting in lieu thereof "Secretary of Veterans Affairs";

(B) by striking out "Administrator" each place it appears in subsection (b) and inserting in lieu thereof "Secretary";

(C) by striking out "Veterans' Administration" the first two places it appears and inserting in lieu thereof "Department of Veterans Affairs"; and

(D) by striking out "Veterans' Administration" the last place it appears and inserting in lieu thereof "Department".

(k) PUBLIC LAW 100-687.—The Veterans' Benefits Improvement Act of 1988 (division B of Public Law 100-687) is amended as follows:

(1) Section 1203 (102 Stat. 4125) is amended by striking out "laws administered by the Veterans' Administration" and inserting in lieu thereof "laws administered by the Secretary of Veterans Affairs".

(2) Section 1204 (102 Stat. 4125; 38 U.S.C. 241 note) is amended—

(A) by striking out "The Administrator" in subsections (a) and (b) and inserting in lieu thereof "The Secretary of Veterans Affairs";

(B) by striking out "Veterans' Administration" in subsection (b) and inserting in lieu thereof "Department of Veterans Affairs"; and

(C) by striking out "the Administrator" both places it appears in subsection (b) and inserting in lieu thereof "the Secretary".

(3) Section 1404 (102 Stat. 4131; 38 U.S.C. 210 note) is amended—

(A) by striking out "Veterans' Administration" both places it appears in subsection (a) and inserting in lieu thereof "Department of Veterans Affairs";

(B) by striking out "the Administrator" the first place it appears in subsection (a) and inserting in lieu thereof "the Secretary of Veterans Affairs";

(C) by striking out "the Administrator and the Secretary" in subsections (a) and (b) and inserting in lieu thereof "the Secretary of Veterans Affairs and the Secretary of Labor";

(D) by striking out "the Administrator" the first place it appears in subsection (b) and inserting in lieu thereof "the Secretary of Veterans Affairs"; and

(E) by striking out "the Administrator or the Secretary" in the third sentence of subsection (b) and inserting in lieu thereof "the Secretary of Veterans Affairs or the Secretary of Labor".

#### SEC. 7. GENERAL SAVINGS PROVISIONS.

(a) REFERENCES TO REPLACED LAWS.—A reference to a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 (including a reference in a regulation, order, or other law) shall be treated as referring to the corresponding provision enacted by this Act.

(b) SAVINGS PROVISION FOR REGULATIONS.—A regulation, rule, or order in effect under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall continue in effect under the corresponding provision enacted by this Act until repealed, amended, or superseded.

(c) GENERAL SAVINGS PROVISION.—An action taken or an offense committed under a provision of title 38, United States Code, replaced by a provision of that title enacted by section 2 shall be treated as having been taken or committed under the corresponding provision enacted by this Act.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter, on H.R. 2525, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, this bill makes some overdue changes to the laws governing the Department of Veterans Affairs. The changes are technical, and do not have any substantive effect. Provisions included in the bill reorganize and restate the laws relating to the authority of the Department and the Secretary. In doing so, we have been careful not to change the meaning or intent of existing law. I know sometimes people try to argue that a word change indicates a significant change in the meaning of a law. However, that type of argument should not prevail on the basis of the technical changes made by this law. We just want to make the law easier to read and understand, and to organize it into what we hope is a more logical order.

When this measure is signed into law, it will complete a major revision to title 38, United States Code, which contains all of the major laws providing assistance to veterans. It has been a difficult and sometimes thankless task, but I believe it will make title 38 a more readable and understandable document. I want to express the committee's appreciation for all of the effort put into this revision. In particular, the Office of the General Counsel in the Department of Veterans Affairs and the House Office of Legislative Counsel did great work in reviewing and checking this legislation for technical accuracy.

I urge my colleagues to support this legislation.

For the benefit of my colleagues, there follow two tables showing the source of new sections of title 38, United States Code, proposed to be enacted by H.R. 2525, and the proposed disposition of existing provisions of title 38 and Public Law 100-527.

New Title 38	Source section
Provision	(Title 38 Unless DVA Act)
Ch. 3—Department of Veterans Affairs	
301(a)	2 of DVA Act.
301(b)	201.
301(c)	New.
302	202.
303	2 of DVA Act; 210 (b)(1).
304	3(a) of DVA Act; 210(d).
305	3(b) of DVA Act.
306	3(c) of DVA Act.
307	3(d) of DVA Act.
308(a)	4(a) of DVA Act.
308(b)	4(b) of DVA Act.
308(c)	4(e) of DVA Act.
308(d)	5 of DVA Act.
309	4(c) of DVA Act.
310	4(d) of DVA Act.
311	8 of DVA Act.
312	9 of DVA Act.
313	203.
314	230.
5	230.
317	230(c).
Ch. 5—Authority and Duties of the Secretary	
Subch. I—General Authorities:	
501(a)	210(c)(1).
501(b)	210(c)(1).
501(c)	223(a).

New Title 38	Source section
501(d)	223(b).
502	223(c).
503(a)	210(c)(2).
503(b)	210(c)(3)(A).
503(c)	210(c)(3)(B).
505	211(b).
510	210(b)(1), (2).
511	211(a).
512	212.
513	213.
515(a)	224.
515(b)	236.
Subch. II—Specified Functions:	
521	216.
522	217.
523	220.
525	215.
527	219.
529	214.
Subch. III—Advisory Committees:	
541	221.
542	222.
Ch. 7—Employees	
701	231.
703	233.
705	234.
707	235.
709	12 of DVA Act.
711	210(b)(3).
Ch. 9—Security and Law Enforcement, etc.	
901	218(a).
902	218(b).
903	218(c).
904	218(d).
905	218(e).
Ch. 77—Veterans Benefits Administration	
Subch. I—Organization: General:	
7701	new.
7703	new.
Subch. II—Veterans Outreach Services Program:	
7721	240.
7722	241.
7723	242.
7724	243.
7725	244.
7726	245.

#### SECTIONS OF DEPARTMENT OF VETERANS AFFAIRS ACT [Public Law 100-527]

Section	New Title 38 provision
2	301(a).
2	303.
3(a)	304.
3(b)	305.
3(c)	306.
3(d)	307.
4(a)	308(a).
4(b)	308(b).
4(e)	308(c).
4(c)	309.
4(d)	310.
5	308(d).
8	311.
9	312.
12	709.

#### SECTIONS FROM TITLE 38, UNITED STATES CODE

Old Section	New Title 38 Provision
Chapter 3—Veterans' Administration; Officers and Employees	
Subchapter I—Veterans' Administration:	
201	[none.]
202	302.
203	313.
Subchapter II—Administrator of Veterans' Affairs:	
210(b)(1) (first sentence)	303.
210(b)(1) (second sentence), (2)	510.
210(b)(3)	711.
210(c)(1)	501(a).
210(c)(1)	501(b).
210(c)(2)	503(a).
210(c)(3)(A)	503(b).
210(c)(3)(B)	503(c).
210(d)	304.

#### SECTIONS FROM TITLE 38, UNITED STATES CODE— Continued

Old Section	New Title 38 Provision
211(a)	511.
211(b)	505.
212	512.
213	513.
214	529.
215	525.
216	521.
217	522.
218(a)	901.
218(b)	902.
218(c)	903.
218(d)	904.
218(e)	905.
219	527.
219(b)(1)	303.
220	523.
221	541.
222	542.
223(a)	501(c).
223(b)	501(d).
223(c)	502.
224	515(a).
Subchapter III—Veterans' Administration Regional Offices; Employees:	
230	314.
230	315.
230(c)	317.
231	701.
233	703.
234	705.
235	707.
236	515(b).
[None]	301(c).
Subchapter IV—Veterans Outreach Services Program:	
240	7721.
241	7722.
242	7723.
243	7724.
244	7725.
245	7726.

□ 2040

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2525, the Department of Veterans Affairs Codification Act.

While this Codification Act would make no substantive changes to title 38 of the United States Code, it does make important technical improvements to the title which have long been needed. The bill would better organize certain of title 38's provisions and enhance its usefulness for all who refer to it.

I commend our chairman, SONNY MONTGOMERY, for advancing yet another improvement to our veterans laws. Also, I want to commend the legislative counsel, Bob Cover, who so diligently and ably drafted this bill. Such codifications require many long hours of painstaking effort which is anything but glamorous, but which is essential to having logically arranged and readable laws.

Mr. Speaker, I urge my colleagues to approve H.R. 2525.

Mr. MONTGOMERY. Mr. Speaker, having no requests for time, I yield back the balance of my time.

Mr. STUMP. Mr. Speaker, I, too, have no requests for time, and I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SAWYER). The question is on the motion offered by the gentleman from



Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2525, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

## VETERANS' HEALTH CARE AND RESEARCH AMENDMENTS OF 1991

Mr. MONTGOMERY. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 2280) to amend title 38, United States Code, to extend and improve veterans' health care programs, as amended.

The Clerk read as follows:

H.R. 2280

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

### SECTION 1. SHORT TITLE; REFERENCES TO TITLE 38, UNITED STATES CODE, AND TO SECRETARY OF VETERANS AFFAIRS.

(a) SHORT TITLE.—This Act may be cited as the "Veterans' Health Care and Research Amendments of 1991".

(b) REFERENCES TO TITLE 38.—Except as otherwise expressly provided, whenever in this Act an amendment or repeal is expressed in terms of an amendment to, or repeal of, a section or other provision, the reference shall be considered to be made to a section or other provision of title 38, United States Code. Sections of that title redesignated by section 402 of the Department of Veterans Affairs Health-Care Personnel Act of 1991 are referred to in this Act by their section number before such redesignation.

(c) REFERENCES TO SECRETARY.—Except as otherwise expressly provided, any reference in this Act to "the Secretary" is a reference to the Secretary of Veterans Affairs.

### TITLE I—HEALTH-CARE BENEFITS

#### SEC. 101. CONTRACT HOSPITAL CARE FOR VETERANS WITH PERMANENT AND TOTAL SERVICE-CONNECTED DISABILITIES.

Section 603(a)(1) is amended—

(1) by striking out "or" at the end of subparagraph (A);

(2) by striking out the period at the end of subparagraph (B) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(C) any disability of a veteran who has a total disability permanent in nature from a service-connected disability."

#### SEC. 102. DENTAL BENEFITS.

(a) VETERANS ELIGIBLE.—Section 612(b)(1) is amended—

(1) by striking out "or" at the end of subparagraph (F);

(2) by striking out the period at the end of subparagraph (G) and inserting in lieu thereof "; or"; and

(3) by adding at the end the following new subparagraph:

"(H) which is medically necessary (i) in preparation for hospital admission, or (ii) for a veteran otherwise receiving care or services under this chapter."

(b) DOLLAR CEILING.—Section 612(b)(3) is amended—

(1) by striking out "\$500" and inserting in lieu thereof "\$1,000"; and

(2) by adding at the end the following: "The Secretary may periodically review the

cost of dental care to determine whether the dollar ceiling contained in this paragraph remains appropriate to carry out the purposes of this paragraph. Based upon such review, the Secretary may, from time to time, adjust that ceiling in such amount as the Secretary determines necessary."

#### SEC. 103. EXTENSION OF ANNUAL REPORT ON FURNISHING HEALTH CARE.

Section 1901(e)(1) of the Veterans' Health Care Amendments of 1986 (38 U.S.C. 610 note) is amended by striking out "each of" and all that follows through "1989" and inserting in lieu thereof "each fiscal year through fiscal year 1992".

#### SEC. 104. INCREASE IN LIMIT ON CERTAIN GRANTS FOR HOME STRUCTURAL ALTERATIONS FOR DISABLED VETERANS.

(a) INCREASE.—Section 617(a)(2) is amended by striking out "\$2,500" and "\$600" and inserting in lieu thereof "\$3,300" and "\$1,200", respectively.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect on October 1, 1991.

#### SEC. 105. EXTENSION OF AUTHORITY TO CONTRACT WITH VETERANS MEMORIAL MEDICAL CENTER, REPUBLIC OF THE PHILIPPINES.

Effective as of October 1, 1990, section 632(a) is amended by striking out "September 30, 1990" and inserting in lieu thereof "September 30, 1992".

#### SEC. 106. HOMELESS CHRONICALLY MENTALLY ILL VETERANS.

(a) EXPANSION OF PROGRAM.—Subject to section 107, the Secretary shall expand the program of outreach and community-based residential care for homeless chronically mentally ill veterans established by section 115 of Public Law 100-322 (38 U.S.C. 612 note) by—

(1) increasing the number of employees of the Department of Veterans Affairs who are providing services under that section, with particular emphasis on those geographic areas with the greatest need for such services; and

(2) providing services authorized under that section in at least four cities in which there is a significant unmet need for assistance for homeless chronically mentally ill veterans.

(b) PILOT PROGRAM OF ASSISTANCE FOR HOMELESS VETERANS.—Subject to section 107, the Secretary may enter into agreements with public or nonprofit entities for the provision of services to homeless veterans under this subsection. Such services may be provided only if the Secretary enters into an agreement under which another public entity, or a nonprofit entity, will provide (directly or by reimbursement to the Secretary) not less than 25 percent of the cost of such services. Any amount received by the Secretary under such an agreement shall be credited to accounts available for the Department facility through which the services were provided. The services that may be provided under this subsection are—

(1) outreach services through the use of vans or other means of transportation;

(2) provision of medical and rehabilitative services; and

(3) provision of transitional housing.

(c) AUTHORIZATION OF APPROPRIATIONS.—(1) There is authorized to be appropriated to the Department of Veterans Affairs for the program under section 115 of Public Law 100-322 the amount of \$3,250,000 for fiscal year 1992 and such sums as necessary for subsequent fiscal years.

(2) There is authorized to be appropriated to the Department of Veterans Affairs for

the program under subsection (b) the amount of \$300,000 for fiscal year 1992 and such sums as necessary for subsequent fiscal years.

(d) CONFORMING AMENDMENTS.—Section 115 of Public Law 100-322 is amended—

(1) by striking out "Administrator" in subsection (a)(1) and inserting in lieu thereof "Secretary of Veterans Affairs";

(2) by striking out "Administrator" each additional place it appears in such section and inserting in lieu thereof "Secretary";

(3) by striking out "Veterans' Administration" the first place it appears in subsection (c) and inserting in lieu thereof "Department of Veterans Affairs"; and

(4) by striking out "Veterans' Administration" each additional place it appears in subsection (c) and inserting in lieu thereof "Department".

#### SEC. 107. LIMITATION.

The Secretary may carry out subsections (a) and (b) of section 106 and section 403(b)(1) only if the amount appropriated for fiscal year 1992 for the medical care account of the Department of Veterans Affairs is not less than \$100,000,000 greater than the amount requested in the President's budget for fiscal year 1992 for that account.

### TITLE II—HEALTH-CARE PERSONNEL

#### SEC. 201. LICENSURE OF SOCIAL WORKERS.

(a) IN GENERAL.—Subsection (a) of section 4105 is amended by adding at the end the following new paragraph:

"(10) SOCIAL WORKER.—Hold a master's degree in social work from a college or university approved by the Secretary and, if the law of the State of employment so requires, be licensed, certified, or registered as a social worker, except that to allow completion of requirements for such licensure, certification, or registration, the Secretary may waive the requirement in any case for a period not to exceed three years."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall not apply to any person employed as a social worker by the Department of Veterans Affairs on or before the date of the enactment of this Act.

#### SEC. 202. MINIMUM PERIOD OF SERVICE FOR SCHOLARSHIP RECIPIENTS.

(a) MINIMUM SERVICE REQUIREMENT.—Section 4312(c)(1) is amended by striking out the period at the end of subparagraph (B) and inserting in lieu thereof ", but for not less than two years."

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall apply to scholarship agreements entered into after the date of the enactment of this Act.

#### SEC. 203. AUTHORITY TO PURCHASE ITEMS OF NOMINAL VALUE FOR RECRUITMENT PURPOSES.

Section 4108 is amended by adding at the end the following new subsection:

"(f) The Secretary may purchase promotional items of nominal value for use in the recruitment of individuals for employment under this chapter. The Secretary shall prescribe guidelines for the administration of the preceding sentence."

### TITLE III—ADMINISTRATIVE PROVISIONS

#### SEC. 301. AUTHORIZATION REQUIREMENT FOR CONSTRUCTION OF NEW MEDICAL FACILITIES.

(a) AUTHORIZATION REQUIREMENT.—(1) Paragraph (2) of section 5004(a) is amended to read as follows:

"(2) No funds may be appropriated for any fiscal year, and the Secretary may not obligate or expend funds (other than for advance planning and design), for any major medical project or any major medical facility lease unless funds for that project or lease have been specifically authorized by law."

(2) Paragraph (3)(B) of that section is amended—

(A) by inserting "new" before "medical facility" the second place it appears; and

(B) by striking out "\$500,000" and inserting in lieu thereof "\$300,000".

(3) Subsection (c) of section 5004 is amended by striking out "resolution" both places it appears and inserting in lieu thereof "law".

(b) **APPLICABILITY.**—The amendments made by subsection (a) shall not apply with respect to any project for which funds were appropriated before the date of the enactment of this Act or for which funds were requested in the President's budget for fiscal year 1992.

#### SEC. 302. SUBMISSION OF REPORTS OF GERIATRICS AND GERONTOLOGY ADVISORY COMMITTEE.

Subparagraph (C) of section 4101(f)(2) is amended to read as follows:

"(C)(i) The Committee shall submit to the Secretary, through the Chief Medical Director, such reports as the Committee considers appropriate with respect to its findings and conclusions under subparagraph (B) of this paragraph. Such reports shall include the following:

"(I) Descriptions of the operations of the centers of geriatric research, education, and clinical activities established pursuant to paragraph (1) of this subsection.

"(II) Assessments of the quality of the operations of such centers.

"(III) An assessment of the extent to which the Department, through the operation of such centers and other health-care facilities and programs, is meeting the needs of eligible older veterans for geriatric and extended-care and other health-care services.

"(IV) Assessments of, and recommendations for correcting any deficiencies in, the operations of such centers.

"(V) Recommendations for such other geriatric, extended-care, and other health-care services as may be needed to meet the needs of older veterans.

"(ii) Whenever the Committee submits a report to the Secretary under division (i) of this subparagraph, the Committee shall at the same time transmit a copy of the report in the same form to the appropriate committees of Congress. Not later than 90 days after receipt of a report under division (i) of this subparagraph, the Secretary shall submit to the appropriate committees of Congress a report containing any comments and recommendations of the Secretary with respect to the report of the Committee."

#### SEC. 303. PILOT PROGRAM OF RESEARCH TO IMPROVE CLINICAL CARE.

(a) **PROGRAM.**—Subject to subsection (e) and in order to improve the quality of clinical care at health care facilities of the Department of Veterans Affairs, the Secretary shall carry out a pilot program for the conduct of medical research at Department medical centers for the purposes described in subsection (b).

(b) **TYPES OF RESEARCH.**—Under the pilot program, the Secretary shall provide for the conduct of research projects that are applicable to clinical care in the areas of (1) mental illness, (2) alcohol and substance abuse, or (3) neurologic, psychiatric, and geriatric rehabilitation.

(c) **COOPERATIVE AGREEMENTS.**—Research under the program may only be carried out at a medical center (or other health-care facility) of the Department at which the Director has entered into an agreement with a medical school or other institution described in section 4101(b) of title 38, United States Code, under which that medical school or in-

stitution agrees to provide partial funding or in-kind support for the proposed research.

(d) **PROPOSALS.**—In establishing procedures for the distribution of funds for research under the pilot program, the Secretary shall solicit from Department employees at Department health-care facilities proposals for research projects to be carried out under the program. Such proposals shall be subject to a peer review process. In determining which proposed projects to approve for funding under the program, the Secretary shall give priority to those projects that offer the greatest opportunity for improving the quality of clinical care at the facility where the research is to be conducted.

(e) **FUNDING LIMITATIONS.**—(1) The Secretary may carry out the research program under this section during fiscal year 1992 only if the amount appropriated for fiscal year 1992 for the medical and prosthetic research account of the Department of Veterans Affairs is at least \$43,000,000 greater than the amount requested for that account in the President's budget for fiscal year 1992.

(2) The Secretary may carry out that program during fiscal year 1993 only if the amount appropriated for that account for fiscal year 1993 is \$58,000,000 greater than the amount requested for that account in the President's budget for fiscal year 1992. The Secretary may carry out the research program during fiscal year 1994 only if the amount appropriated for that account for fiscal year 1994 is \$73,000,000 greater than the amount requested for that account in the President's budget.

(f) **AUTHORIZATION OF APPROPRIATIONS.**—There is authorized to be appropriated the sum of \$6,000,000 for each of fiscal years 1992, 1993, and 1994 for the clinical care research program under this section.

#### SEC. 304. STANDARDS OF PERFORMANCE IN DEPARTMENT LABORATORIES.

(a) **REGULATIONS.**—(1) Within the 120-day period beginning on the date on which the Secretary of Health and Human Services promulgates final regulations to implement the standards required by section 353 of the Public Health Service Act (42 U.S.C. 263a), the Secretary of Veterans Affairs, in accordance with the Secretary's authority under title 38, United States Code, shall prescribe regulations to assure consistent performance by medical facility laboratories under the jurisdiction of the Secretary of valid and reliable laboratory examinations and other procedures. Such regulations shall be prescribed in consultation with the Secretary of Health and Human Services and shall establish standards in accordance with the requirements of section 353(f) of the Public Health Service Act.

(2) Such regulations—

(A) may include appropriate provisions respecting waivers described in section 353(d) of such Act and accreditations described in section 353(e) of such Act; and

(B) shall include appropriate provisions respecting compliance with such requirements.

(b) **REPORT.**—Within the 180-day period beginning on the date on which the Secretary of Veterans Affairs prescribes the regulations required by subsection (a), the Secretary shall submit to the Committees on Veterans Affairs of the Senate and House of Representatives a report on those regulations.

(c) **DEFINITION.**—As used in this section, the term "medical facility laboratories" means facilities for the biological, microbiological, serological, chemical, immunohematological, hematological, biophysical, cytological, pathological, or other examina-

tion of materials derived from the human body for the purpose of providing information for the diagnosis, prevention, or treatment of any disease or impairment of, or the assessment of the health of, human beings.

#### SEC. 305. ACQUISITION OF REAL PROPERTY.

(a) **IN GENERAL.**—Chapter 1 is amended by adding at the end the following new section:

##### "§ 115. Acquisition of real property

"For the purposes of sections 230 and 1006 of this title and subchapter I of chapter 81 of this title, the Secretary may acquire and use real property—

"(1) before title to the property is approved under section 355 of the Revised Statutes (40 U.S.C. 255); and

"(2) even though the property will be held in other than a fee simple interest in a case in which the Secretary determines that the interest to be acquired is sufficient for the purposes of the intended use."

(b) **CLERICAL AMENDMENT.**—The table of sections at the beginning of such chapter is amended by adding at the end the following new item:

"115. Acquisition of real property."

#### SEC. 306. RESEARCH CORPORATIONS.

(a) **PERIOD FOR OBTAINING RECOGNITION AS TAX-EXEMPT ENTITY.**—Section 4161(b) is amended by striking out "three-year period" and inserting in lieu thereof "four-year period".

(b) **EXTENSION OF AUTHORITY FOR ESTABLISHMENT OF CORPORATIONS.**—Section 4168 is amended by striking out "September 30, 1991" and inserting in lieu thereof "September 30, 1992".

#### SEC. 307. CHILD CARE SERVICES.

(a) **REVISED CHILD CARE AUTHORITY.**—Chapter 81 is amended by inserting after section 5016 the following new section:

##### "§ 5017. Child care centers

"(a) The Secretary may provide for the operation of child care centers at Department facilities in accordance with this section. The operation of such centers shall be carried out to the extent that the Secretary determines, based on the demand by employees of the Department for the care involved, that such operation is in the best interest of the Department and that it is practicable to do so. In offering child care services under this section, the Secretary shall give priority, in the following order, to employees of (1) the Department of Veterans Affairs, (2) other departments and agencies of the Federal Government, and (3) affiliated schools and corporations created under section 4161 of this title. To the extent space is available, the Secretary may provide child care services to members of the public if the Secretary determines that to do so is necessary to assure the financial success of such center.

"(b)(1) The Secretary shall establish reasonable charges for child care services provided at each child care center operated under this section.

"(2) In establishing charges at a center, the Secretary shall ensure that the sum of all charges for child care services is sufficient to meet the staffing expenses of the child care center and may consider the expenses of constructing or acquiring space for the center, the expenses of converting existing space into the center, and the expenses of equipment and services furnished to the center under subsection (c)(2) of this section.

"(3) Proceeds from charges for child care services shall be credited to the applicable Department of Veterans Affairs account and shall be allotted to the facility served by the child care center and shall remain available until expended.



"(c) In connection with the establishment and operation of a child care center under this section, the Secretary—

"(1) may construct or alter space in any Department facility, and may lease space in a non-Department facility for a term not to exceed 20 years, for use as a child care center;

"(2) may provide, out of operating funds, other items and services necessary for the operation of the center, including furniture, office machines and equipment, utility and custodial services, and other necessary services and amenities;

"(3) shall provide for the participation (directly or through a parent advisory committee) of parents of children receiving care in the center in the establishment of policies to govern the operation of the center and in the oversight of the implementation of such policies;

"(4) shall require the development and use of a process for determining the fitness and suitability of prospective employees or of volunteers at the center; and

"(5) shall require in connection with the operation of the center compliance with all State and local laws, ordinances, and regulations relating to health and safety and the operation of child care centers.

"(d) The Secretary shall prescribe guidelines to carry out this section.

"(e) For the purpose of this section, the term 'parent advisory committee' means a committee comprised of, and selected by, the parents of children receiving care in a child care center operated under this section."

(b) CONFORMING REPEAL.—Section 4209 is repealed.

(c) CLERICAL AMENDMENTS.—(1) The table of sections at the beginning of chapter 81 is amended by inserting after the item relating to section 5016 the following new item:

"5017. Child care centers."

(2) The table of sections at the beginning of chapter 75 is amended by striking out the item relating to section 4209.

#### SEC. 308. AUTHORITY TO HOLD JOINT TITLE TO MEDICAL EQUIPMENT.

(a) IN GENERAL.—(1) Chapter 81 is amended by adding at the end of subchapter IV the following new sections:

##### "§ 5057. Joint title to medical equipment

"(a) Subject to subsection (b), the Secretary may enter into agreements with institutions described in section 5053(a) of this title for the joint acquisition of medical equipment.

"(b)(1) The Secretary may not pay more than one-half of the purchase price of equipment acquired through an agreement under subsection (a).

"(2) Any equipment to be procured under such an agreement shall be procured by the Secretary. Title to such equipment shall be held jointly by the United States and the institution.

"(3) Before equipment acquired under such an agreement may be used, the parties to the agreement shall arrange by contract under section 5053 of this title for the exchange of use of the equipment.

"(4) The Secretary may not contract for the acquisition of medical equipment to be jointly purchased under an agreement under subsection (a) until the institution which enters into the agreement provides to the Secretary its share of the purchase price of the medical equipment.

"(c)(1) Notwithstanding any other provision of law, the Secretary may transfer the interest of the Department of Veterans Affairs in equipment acquired through an

agreement under subsection (a) to the institution which holds joint title to the equipment if the Secretary determines that the transfer would be justified by compelling clinical considerations or the economic interest of the Department. Any such transfer may only be made upon agreement by the institution to pay to the Department the amount equal to one-half of the depreciated purchase price of the equipment. Any such payment when received shall be credited to the applicable Department medical appropriation.

"(2) Notwithstanding any other provision of law, the Secretary may acquire the interest of an institution in equipment acquired under subsection (a) if the Secretary determines that the acquisition would be justified by compelling clinical considerations or the economic interests of the Department of Veterans Affairs. The Department of Veterans Affairs may not pay more than one-half the depreciated purchase price of the equipment.

##### "§ 5058. Deposit in escrow

"(a) To facilitate the procurement of medical equipment pursuant to section 5057 of this title, the Secretary may enter into escrow agreements with institutions described in section 5053(a) of this title. Any such agreement shall provide that—

"(1) the institutions shall pay to the Secretary the funds necessary to make a payment under section 5057(b)(4) of this title;

"(2) the Secretary, as escrow agent, shall administer those funds in an escrow account;

"(3) the Secretary shall disburse the escrowed funds to pay for such equipment upon its delivery or in accordance with the contract to procure the equipment and shall disburse all accrued interest or other earnings on the escrowed funds to the institution.

"(b) As escrow agent for funds placed in escrow pursuant to an agreement under subsection (a), the Secretary may—

"(1) invest the escrowed funds in obligations of the Federal Government or obligations which are insured or guaranteed by the Federal Government;

"(2) retain in the escrow account interest or other earnings on such investments;

"(3) disburse the funds pursuant to the escrow agreement; and

"(4) return undisbursed funds to the institution.

"(c)(1) If the Secretary enters into an escrow agreement under this section, the Secretary may enter into an agreement to procure medical equipment if one-half the purchase price of the equipment is available in an appropriation or fund for the expenditure or obligation.

"(2) Funds held in an escrow account under this section shall not be considered to be public funds."

(2) The table of sections at the beginning of chapter 81 is amended by adding at the end the following new items:

"5057. Joint title to medical equipment.

"5058. Deposit in escrow."

(b) REPORT.—Not later than November 1, 1991, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the Secretary's plans for implementation of this section. The report shall include identification and discussion of—

(1) the instructions the Secretary proposes to issue to medical facilities to guide the development of proposals for procurement of medical equipment under this section, including instructions for assuring equitable

arrangements for use of the equipment by the Department and the co-purchasers of the equipment;

(2) the criteria by which the Secretary plans to evaluate proposals to procure medical equipment under this section;

(3) the means by which the Secretary will integrate the process of procuring equipment under this section with the policies and procedures governing health care planning for the Veterans Health Administration; and

(4) the criteria by which determinations to transfer title to equipment under section 5057(c) of title 38, United States Code, as added by subsection (a), would be made.

#### SEC. 309. QUALITY ASSURANCE ACTIVITIES.

Effective on October 1, 1991, programs and activities which (1) the Secretary carries out pursuant to section 4151(a) of title 38, United States Code, or (2) are described in section 201(a)(1) and 201(a)(3) of Public Law 100-322 shall be deemed to be part of the operation of hospitals, nursing homes, and domiciliary facilities of the Department of Veterans Affairs, without regard to the location of the duty stations of employees carrying out those programs and activities.

#### SEC. 310. REDESIGNATION OF POSITIONS OF CHIEF MEDICAL DIRECTOR AND CHIEF BENEFITS DIRECTOR AS UNDER SECRETARIES.

(a) REDESIGNATION.—The positions in the Department of Veterans Affairs of Chief Medical Director and Chief Benefits Director are hereby redesignated as the Under Secretary for Health and the Under Secretary for Benefits Administration, respectively.

(b) REFERENCES.—Any reference in any law, Executive order, regulation, or other document or paper of the United States to either of the positions redesignated by subsection (a) shall be deemed to refer to the position as so redesignated.

(c) CONFORMING AMENDMENTS TO TITLE 38.—Title 38, United States Code, is amended—

(1) by striking out "Chief Medical Director" each place it appears and inserting in lieu thereof "Under Secretary for Health"; and

(2) by striking out "Chief Benefits Director" each place it appears and inserting in lieu thereof "Under Secretary for Benefits Administration".

(d) CONFORMING AMENDMENTS TO OTHER LAWS.—Section 5314 of title 5, United States Code, is amended by striking out

"Chief Medical Director, Department of Veterans Affairs.

"Chief Benefits Director, Department of Veterans Affairs." and inserting in lieu thereof

"Under Secretary for Health, Department of Veterans Affairs.

"Under Secretary for Benefits Administration, Department of Veterans Affairs."

#### TITLE IV—POST-TRAUMATIC STRESS DISORDER

##### SEC. 401. SHORT TITLE.

This title may be cited as the "Post-Traumatic Stress Disorder Treatment Act of 1991".

##### SEC. 402. FINDINGS.

The Congress finds—

(1) that a study carried out pursuant to Public Law 98-160 on the readjustment of Vietnam-era veterans estimated that approximately 479,000 Vietnam theater veterans were suffering from Post-Traumatic Stress Disorder;

(2) that such study found that, as of 1988, only one-fifth of all male Vietnam theater veterans with Post-Traumatic Stress Disorder had sought and used Veterans Admin-

istration services for mental health problems since separating from military service, and that half of those had received such services in the preceding year;

(3) that, despite the increases in amount, array, and availability of treatment programs administered by the Department of Veterans Affairs, the number and distribution of those programs do not fully meet the needs of veterans suffering from Post-Traumatic Stress Disorder;

(4) that the experience of the Department of Veterans Affairs has demonstrated that specialized treatment can assist in rehabilitating veterans who suffer from Post-Traumatic Stress Disorder;

(5) that the conflict in the Persian Gulf may result in an increased demand by veterans for treatment for Post-Traumatic Stress Disorder, particularly for those suffering acute stress reactions resulting from service in the war zone;

(6) that expansion of the current programs of the Department of Veterans Affairs to provide a continuum of services to veterans suffering from Post-Traumatic Stress Disorder would help assure access to needed treatment;

(7) that the recommendations of the Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder provide important guidance to the Secretary and the Congress for establishing an effective national program to meet the needs of veterans in need of, and mandated by Congress to receive, care for Post-Traumatic Stress Disorder;

(8) that available funding for the Department of Veterans Affairs has not kept pace with the growth in responsibilities of that Department or with the increased needs of its beneficiaries; and

(9) that needed expansion of programs should not come at the expense of providing ongoing services.

#### SEC. 403. EXPANSION OF SPECIALIZED PROGRAMS FOR CARE OF POST-TRAUMATIC STRESS DISORDER.

(a) **POLICY.**—(1) The Secretary shall seek to implement the recommendations of the Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder with respect to specialized inpatient and outpatient programs of the Department of Veterans Affairs for the treatment of Post-Traumatic Stress Disorder.

(2) The specialized inpatient and outpatient programs referred to in paragraph (1) include (A) specialized inpatient post-traumatic stress disorder units, (B) post-traumatic stress disorder clinical treatment teams, and (C) programs established to treat patients suffering from both post-traumatic stress disorder and substance abuse problems.

(b) **FISCAL YEAR 1992 PROGRAM EXPANSION.**—(1) Subject to section 107, the Secretary during fiscal year 1992 shall establish and operate, at such locations as the Secretary considers appropriate, new Post-Traumatic Stress Disorder programs as follows:

(A) Not less than five new specialized inpatient Post-Traumatic Stress Disorder units.

(B) Not less than 10 new Post-Traumatic Stress Disorder clinical treatment teams.

(C) Not less than five outpatient programs for the treatment of veterans suffering from both Post-Traumatic Stress Disorder and substance abuse problems.

(2) There is authorized to be appropriated \$7,400,000 for fiscal year 1992, and such sums as necessary for subsequent fiscal years, to carry out the purposes of this subsection.

#### SEC. 404. POST-TRAUMATIC STRESS DISORDER RESEARCH PROGRAMS.

(a) **FUNDING AND PRIORITY.**—In carrying out research and awarding grants under chapter 73 of title 38, United States Code, the Secretary shall designate a level of funding support for, and shall assign a priority to, the conduct of research on mental illness, including research regarding (1) Post-Traumatic Stress Disorder, (2) Post-Traumatic Stress Disorder in association with substance abuse, and (3) the treatment of those disorders.

(b) **DISTRIBUTION OF FUNDS.**—Funds for the conduct of research in subjects described in subsection (a) that is to be carried out through Department medical centers shall be distributed by the Secretary in accordance with procedures prescribed by the Chief Medical Director. Such procedures shall include provisions for the consideration of research proposals submitted by Department employees at Department medical centers and for the evaluation of such proposals through a peer review process.

(c) **IMPLEMENTATION REPORT.**—The Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives not later than December 1, 1992, a report on the implementation of this section.

#### SEC. 405. POST-TRAUMATIC STRESS DISORDER PROGRAM PLANNING.

(a) **ASSESSMENT.**—The Secretary shall assess the needs for treatment and rehabilitative services of veterans believed to be suffering from Post-Traumatic Stress Disorder. The Secretary, based on—

(1) the Secretary's estimate of the numbers of veterans who suffer from Post-Traumatic Stress Disorder, are likely to seek care from Veterans Administration, and are entitled by law to be furnished such care;

(2) current and projected capacity to provide services; and

(3) the Secretary's evaluation of existing programs,

shall develop a plan for providing treatment and rehabilitative services for such veterans and for expanding and refining the services available for the treatment of Post-Traumatic Stress Disorder.

(b) **CONSULTATION.**—The Secretary shall carry out subsection (a) in consultation with the Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder.

(c) **REPORT.**—Not later than August 30, 1992, the Secretary shall submit to the Committees on Veterans' Affairs of the Senate and House of Representatives a report on the plan developed pursuant to subsection (a).

#### SEC. 406. DEFINITION.

In this title, the term "Chief Medical Director's Special Committee on Post-Traumatic Stress Disorder" means the committee established pursuant to section 110 of Public Law 98-528.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Mississippi [Mr. MONTGOMERY] will be recognized for 20 minutes, and the gentleman from Arizona [Mr. STUMP] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Mississippi [Mr. MONTGOMERY].

#### GENERAL LEAVE

Mr. MONTGOMERY. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to revise and extend their remarks, and include extraneous matter on the bill, H.R. 2280, the bill presently under consideration.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Mississippi?

There was no objection.

Mr. MONTGOMERY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 2280, as amended, contains many provisions that will enhance the ability of the Secretary of Veterans Affairs to improve the quality of care to our veterans and their eligible dependents. Some of the provisions of H.R. 2280 are identical to those contained in H.R. 5740, which passed the House last year. Unfortunately, the Senate failed to act on that measure.

Several other provisions of the bill are the result of oversight hearings held by our committee last fall and earlier this spring.

I want to thank the distinguished gentleman from Arkansas, the ranking minority member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, for his very able leadership in putting this bill together. H.R. 2280 will not only enhance veterans' health care but will do so in a very cost effective way.

Let me briefly highlight the major provisions of the bill.

The bill recognizes that the VA health care system has not been adequately funded during the past decade and that additional appropriations must be made to support the core system before authorizing new programs. Fortunately, the House has recognized the problem and on June 6, 1991 passed an appropriations bill that would add more than \$300 million to the Administration's budget for medical care and research. Again, I want to commend the distinguished chairman of the VA, HUD and Independent Agencies Subcommittee on Appropriations, BOB TRAXLER, and the ranking minority member, BILL GREEN, for their support of veterans. They really came through for them this year.

There are many veterans who suffer from post-traumatic stress disorder, commonly referred to as PTSD. This bill would authorize VA to expand the PTSD program. In addition, the bill would call for VA to expand programs we have already established for the care of homeless veterans. However, the bill provides that both these expansions shall not occur until additional appropriations are made to support existing programs. The point is to assure that on-going programs do not suffer at the expense of new or expanded ones. As I said a few moments ago, the House has appropriated a substantial increase in the veterans medical care account.

Mr. Speaker, a former member of our committee JIM JONTZ, has worked hard to make certain that we assist veterans suffering from PTSD. He has expressed concern that there is no expansion of PTSD treatment programs in this bill beyond fiscal year 1992.



H.R. 2280 does contain a provision which requires the Department to assess the anticipated needs of veterans for PTSD treatment services and its projected capacity to deliver such services. The gentleman from Indiana feels it appropriate for the committee to consider legislation upon completion of the assessment to ensure that the VA has the capacity to treat all veterans suffering from PTSD who are eligible for treatment.

The gentleman from Indiana [Mr. JONTZ] is correct that uncertainty over the future funding is a major reason why H.R. 2280 does not provide for expansion of PTSD treatment programs beyond fiscal year 1992. I agree that treatment of PTSD is important and we will take a serious look at the assessment of need done by the VA. If, in future years, the Appropriations Committee meets the funding level requirements for expansion of existing programs, then I would have no problem supporting expansions in programs such as PTSD. However, we cannot continue to expand authority for existing programs without new money.

This year we authorized a substantial increase in the VA's PTSD programs subject to specific, new funding levels which the Appropriations Committee met. I believe that this approach is the way to go. However, I strongly believe that VA should provide some direction. If the Department cannot meet the demand for PTSD treatment, then the VA should submit a budget which gives PTSD the priority it needs.

I appreciate the leadership the gentleman from Indiana has provided on the issue of PTSD, and his good work is reflected in this section of the bill.

In a similar way, H.R. 2280 encourages VA to expand research into several new areas, but only if Congress appropriates specific new levels of funding for that purpose. This provision of the bill generally follows the recommendations of Secretary Derwinski's blue ribbon research advisory committee.

Mr. Speaker, the Committee's report to the Budget Committee highlighted VA's critical need for additional funds to replace old medical equipment. The VA, HUD and Independent Agencies Appropriations bill which recently passed the House recognized the problem. The bill contained \$90 million more than the administration requested for new and replacement equipment.

This bill would also help VA with its equipment problem. It would give VA specific authority to share the cost and use of medical equipment with community hospitals.

Over the years, our committee has worked hard to get VA adequate health care staffing. The committee has initiated many recruitment and retention incentives which have become law.

We've passed important physician and nurse pay bills. Several years ago

we established a nurse scholarship program. One area that would boost VA's ability to recruit and retain critical health care staff is child care services. This bill would give greater flexibility to VA to develop child care facilities at its medical centers. A distinguished member of the committee, LIZ PATTERSON, was the chief sponsor of the committee's first child care legislation. She was very instrumental in making VA one of the first agencies of the Government to provide child care in Government facilities. I want to thank the gentlelady from South Carolina for her leadership in this area.

There are provisions in the bill that would strengthen the Secretary's ability to provide quality of care. The committee held hearings on quality assurance last year and again earlier this spring. At these hearings we learned from Secretary Derwinski that the Chief Medical Director lacks the tools to effectively monitor quality of care at many hospitals. Congress cannot expect the Chief Medical Director to do the job expected of him without the proper staff and resources to conduct aggressive oversight in the area of quality assurance no matter how comprehensive the law may be.

H.R. 2280 would help with this problem. It would allow the Secretary to fund quality assurance and oversight as a medical care function.

Finally, the bill contains a provision that would prohibit the VA from spending funds for any construction project in excess of \$2 million or for any real property lease in excess of \$300,000, unless such project or lease has been authorized by law. This provision will ensure that priorities for all major construction projects are set by the Congress.

This provision is most important given the limited amount of construction funds in the fiscal year 1992 budget.

The bill, as amended, aims to assure high quality work in VA clinical laboratories. It would require that the quality of work done in VA labs meets strict standards set by the Secretary of Veterans Affairs.

Mr. Speaker, I want to thank the distinguished chairman of the Committee on Energy and Commerce for his cooperation on this issue. An amendment to the bill reflects the understanding we have reached. As amended, the bill now makes the VA's responsibilities in the area clear.

VA is to prescribe regulations to assure the quality of work done in VA medical laboratories.

The Secretary of Veterans Affairs is to issue those regulations within 120 days after the Secretary of Health and Human Services [HHS] promulgates final regulations to implement the Clinical Laboratory Improvement Amendments of 1988 [CLIA], Public Law 100-578. VA is to consult with HHS

in prescribing the regulations, and those regulations are to establish standards in accord with the requirements for standard setting in section 353(f) of the Public Health Service Act. Thus, the modified version of the bill assures the application to VA laboratories of standards required by statute to apply nationally to clinical laboratories. The provision also recognizes the desirability of vesting the Secretary of Veterans Affairs with authority for applying those requirements to VA laboratories.

We expect, and are requiring a report by, VA to assure that the standards VA adopts and the compliance it requires will provide a level of quality in its laboratories as high or higher than any other laboratories. Finally, it is important to note that this measure frees VA of certification, fee-paying, inspection, audit, or other oversight or supervision of VA laboratories by the Secretary of Health and Human Services. It does, at the same time, explicitly acknowledge the important role played by independent review of VA laboratories through accrediting bodies, and the committee anticipates that VA will continue to seek accreditation of its clinical laboratories.

The second amendment to the reported bill would designate the position of Chief Medical Director as the Under Secretary for Health and the position of Chief Benefits Director as the Under Secretary for Benefits Administration. The VA believes this would be desirable in order to signify that the persons who hold the positions of Chief Medical Director and Chief Benefits Director are equal in rank and stature to similar officials in other Federal departments.

Mr. Speaker, again I want to thank the ranking minority member of the Subcommittee on Hospitals and Health Care, JOHN PAUL HAMMERSCHMIDT, and the very able ranking minority member of the full committee, BOB STUMP, for their leadership and hard work on this important legislation.

This is an extremely important bill that will greatly improve the delivery of health care to our Nation's veterans and I urge my colleagues to support it.

Mr. Speaker, I reserve the balance of my time.

Mr. STUMP. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I rise in strong support of H.R. 2280, the Veterans' Health and Research Amendments of 1991 and note the strong bipartisan support of the entire Committee on Veterans' Affairs. This legislation represents a compilation of provisions covering a range of services under the jurisdiction of the Veterans Health Administration. At the same time, the legislation is not subject to the pay-as-you-go mandate of the Budget Act.

It is a low cost bill and it does not contain all that the committee recog-

nizes as needed improvements on behalf of veterans because quite simply, there is insufficient funding to pay for program enhancements. All in all H.R. 2280 represents the best efforts of the committee to improve veterans' programs while maintaining a responsibility to Federal budget deficit control.

In fact, the only provisions which would increase expenditures—improvements to PTSD and Homeless Veterans Programs—are subject to additional appropriations so they will not result in a further erosion of existing health care program funding. This method of exercising the authorizing responsibility of the committee was crafted out of a strong recognition of the current financial constraints under which the Department of Veterans Affairs must now operate.

Many of the provisions contained in H.R. 2280 were already passed by this body during the 101st Congress as contained in H.R. 5740, but did not receive final action in the other body. The committee believes these provisions merit final approval this Congress.

The issue of quality medical care is also addressed in this measure. The committee has held many hearings on the topic of quality of care and have included two provisions which would help the Department exercise its responsibility in providing high quality health care services.

The first provision would allow the Department of Veterans Affairs greater flexibility in its funding of quality of care oversight functions. The second provision will assure that the Secretary of Veterans Affairs prescribe regulations which result in consistent high quality performance by medical facility laboratories. Such regulations will be prescribed in consultation with the Secretary of Health and Human Services.

Finally, the bill contains a provision to redesignate the Chief Medical Director [CMD] and the Chief Benefits Director [CBD] as under secretaries. At the present time, the CMD and CBD like under secretaries are appointed at executive level III but, unlike other under secretaries do not share the title. The titles of CMD and CBD are confusing since no comparable title exists in other departments of Government. This disparity is thought to lessen both the effectiveness and visibility of the CMD and CBD.

Mr. Speaker, it is my belief that these two individuals hold the most important operational positions in the entire Department of Veterans Affairs. These individuals are directly responsible for the service rendered to the veterans of our Nation.

Since the debate on elevation of the VA to a Cabinet level department began, it has always been the opinion of the House Committee on Veterans Affairs that the CMD and CBD be designated as under secretaries, however,

we were unable to achieve concurrence with the other body. Now that the VA has experienced elevation to a Cabinet level department for some time, it is more apparent than ever that the CMD and CBD would function more effectively among the circles of government if they were to obtain the titles befitting their important stature.

Mr. Speaker, I want to thank the distinguished chairman of the committee, SONNY MONTGOMERY and the ranking member of the Subcommittee on Hospitals and Health Care, Mr. HAMMER-SCHMIDT for their leadership and expertise on these important issues. I want to acknowledge as well the support of the chairman and ranking member of the Committee on Energy and Commerce, Mr. DINGELL and Mr. LENT, for their input on section 304 of the bill.

I urge the support of my colleagues on H.R. 2280.

Mr. HAMMERSCHMIDT. Mr. Speaker, as ranking member of the Subcommittee on Hospitals and Health Care, I join my colleagues today in strong support of H.R. 2280, the Veterans' Health Care and Research Amendments of 1991.

It is important to point out that H.R. 2280 is not subject to the pay-as-you-go provision of the Budget Act.

It is a low-cost measure that is drafted to ensure that the provisions which authorize program expansion are based on an appropriation level above the administration's request. The Committee on Veterans Affairs takes seriously its responsibility to Federal budget control. This bill ensures that the program expansion contained in H.R. 2280 will not further erode core medical care funding.

Several provisions in this bill are designed to improve the quality, delivery and administration of medical care for our Nation's veterans. The bill enhances existing programs and extends expiring programs.

In particular, I support section 304, which requires the VA to prescribe standards, in consultation with the Department of Health and Human Services [HHS] in order to ensure that VA labs be subject to stringent standards of quality, comparable or exceeding those set under the Clinical Laboratory Improvement Amendments of 1988 [CLIA].

This provision provides that the Department of Veterans Affairs would be subject to the same standards as required by section 353 of the Public Health Service Act and that the Secretary shall prescribe regulations to assure consistent performance by medical facility laboratories.

Section 304 will simply allow the Secretary of Veterans Affairs to continue to meet the mandate of establishing internal controls over VA labs, while strengthening external controls. Section 304 is necessary to allow the VA to maintain jurisdiction over its own clinical labs while working with HHS to achieve and maintain valid and reliable performance.

Quality assurance programs play a critical role in providing veterans with confidence in the VA medical care system. Our goal is to make certain that veterans can continue to have faith in the system designed to serve them.

Finally, I want to emphasize my support for a provision in H.R. 2280 which will redesignate the titles of the Chief Medical Director [CMD] and the Chief Benefits Director [CBD] as Under Secretaries. The title of Under Secretary more properly reflects the expertise and responsibility of these individuals and enhances their access to the top circles of Government management. The Committee on Veterans Affairs worked hard to elevate the VA to a Cabinet level Department of improve the visibility of this important Agency of Government. Top officials of the Department deserve no less.

I want to thank Chairman MONTGOMERY and the ranking member, Mr. STUMP, for their hard work on this legislation and urge the support of my colleagues on H.R. 2280.

Mr. JENKINS. Mr. Speaker, I rise today to support the measure and to commend the chairman and members of the Committee on Veterans Affairs for their attention to the needs of the veterans in the Nation and in my district.

In 1989, a veteran in my home State informed me that veterans with a 100 percent permanent and total service-connected disability seeking emergency medical care at non-VA health care facilities were not having these legitimate claims paid if they filed within 72 hours. Ironically, had the veteran waited for more than 72 hours to file the claim, it would have been honored.

This discrepancy was the result of a recent revision to the law and an unintended result. I appreciate the work the chairman and committee members have done to ensure that this situation does not continue by including language in this measure which clarifies the law and corrects the situation. I also wish to express the gratitude of the many veterans in my district who will now be able to have these legitimate claims paid.

Mr. DINGELL. Mr. Speaker, it has been my privilege as chairman of the Committee on Energy and Commerce to work with Chairman MONTGOMERY in revising section 304 of H.R. 2280 as that section was ordered reported. We shared the objective of assuring that patients relying on laboratories within the veterans' health care system enjoy the same high quality care as all other Americans. The two committees have together fashioned an alternative section which achieves that end.

The Committee on Energy and Commerce has a longstanding interest in proper operation of the Nation's clinical laboratories. The Clinical Laboratory Improvement Amendments of 1988 [CLIA] originated in the Commerce Committee. The committee has also maintained strict oversight of laboratory operations. CLIA's requirements were made to apply to all the Nation's laboratories under the 1988 amendments in order to assure that all Americans could be confident of the accuracy of their lab results.

Section 304 of H.R. 2280, as ordered reported by the Committee on Veterans Affairs, raised concerns for this committee because it could have upset the basic operation and application of CLIA and would have created ambiguity in the law. In its report on that section as ordered reported, the Veterans' Committee explained its original provision by taking exception to the administration's application of



the provisions of CLIA to the Department of Veterans Affairs. As chairman of the Committee on Energy and Commerce and an author of CLIA I respectfully expressed disagreement with the Veterans' Committee's narrow interpretation of CLIA and objected to the inclusion of section 304 in H.R. 2280. In order to expedite the consideration of this bill by the House, the Committee on Energy and Commerce chose to forego requesting a sequential referral of H.R. 2280; instead we sought to work with the Committee on Veterans' Affairs to replace section 304 with a provision that did not disturb the intent of CLIA, but which addressed that committee's concern over administration of laboratory regulation.

I am pleased that the two committees were able to find alternative language for section 304; that language is reflected in the bill as amended for floor consideration today. The appendix to the report to accompany H.R. 2280 contains an exchange of letters between the chairmen of the two committees. They reflect the substance of the agreement between the two committees and correct any erroneous statements contained in the committee report language accompanying the original section 304.

Those two letters, constituting the appendix to the committee report, are appended to this statement and I would ask that they be included here as part of my remarks.

COMMITTEE ON ENERGY AND COMMERCE,  
Washington, DC, June 24, 1991.

Hon. G.V. MONTGOMERY,  
Chairman, Committee on Veterans' Affairs, U.S.  
House of Representatives, Washington, DC.

DEAR MR. CHAIRMAN: Pursuant to our agreement of the past week to revise section 304 of H.R. 2280 as ordered reported, the Committee on Energy and Commerce will not seek a sequential referral of H.R. 2280. This determination does not constitute a waiver of any jurisdiction which this committee may have over the subject matter in question.

As you know, following committee consideration of H.R. 2280, the Committee on Energy and Commerce, which under Rule X of the Rules of the House of Representatives has jurisdiction over public health, health, and health facilities, expressed jurisdictional and substantive objections to the section as ordered reported.

As a result of the discussions between the two Committees, the Committees agreed to a modified version of section 304. The modified version assures the application of the standards required by section 353(f) of the Nation's laboratories, including Veterans' laboratories. It also recognizes the desirability of vesting the Secretary of Veterans' Affairs with authority for applying those requirements to Veterans' laboratories by requiring the Secretary to prescribe regulations in accordance with the requirements of section 353(f) and to establish appropriate compliance measures.

The Committees have agreed that this modified version will be included as an amendment to the bill as ordered reported in a vehicle to be considered under suspension of the House rules. In light of the committees' ability to work together in fashioning this revised language, the Committee on Energy and Commerce agrees not to seek a sequential referral of the bill.

I understand that you have agreed to include this letter reflecting the substance of

our agreement in the report to accompany H.R. 2280.

Sincerely,

JOHN D. DINGELL,  
Chairman.

COMMITTEE ON VETERANS' AFFAIRS,  
Washington, DC, June 24, 1991.

Hon. JOHN DINGELL,  
Chairman, Committee on Energy and Commerce,  
U.S. House of Representatives, Washington,  
DC.

DEAR MR. CHAIRMAN: Thank you for your letter on June 24, 1991, regarding H.R. 2280. Your letter accurately reflects our discussions and agreement of the past week.

I will be happy to include your letter in the report to accompany H.R. 2280.

Sincerely,

G.V. (SONNY) MONTGOMERY,  
Chairman.

In 1988 Congress chose to apply the requirements of CLIA to all the Nation's clinical laboratories. As implementation of the law has proceeded, some have expressed concern about the need to establish an appropriate role for the Secretary of Veterans Affairs in carrying out those requirements. The new section 304 reaffirms the application of the requirements of CLIA to all clinical laboratories, including Department of Veterans Affairs laboratories. However, it recognizes the desirability of vesting in the Veterans Secretary the requirement of prescribing regulations to carry out those requirements. Such regulations, the revised section specifically states, must be in accordance with the requirements of section 353(f) of the Public Health Service Act. Finally, the revised section directs the Secretary of Veterans Affairs to establish appropriate enforcement measures to assure compliance with the requirements of CLIA.

Again, I thank the chairman and look forward to working with him in future.

Mr. JONTZ. Mr. Speaker, I rise today in support of H.R. 2280 and specifically its provisions addressing post/traumatic stress disorder treatment.

PTSD still affects an estimated 15 percent of Vietnam veterans, as well as a significant number of veterans of other conflicts, too. Numerous studies have shown that PTSD is directly related to a veteran's exposure to combat, and not the result of any preexisting condition that may make a veteran more susceptible to the disorder. The failure of the VA to address PTSD treatment reflects our society's general stigma with mental health problems. We would never ignore a veteran who returned from combat with a physical problem such as a lost limb. PTSD is a similar, combat-related injury. Unfortunately, many veterans with PTSD still find themselves ignored.

The VA's existing programs are far from adequate to meet the need which exists for treatment of PTSD. With more than 479,000 Vietnam veterans suffering from the disorder, the VA's PTSD service delivery system consists of 22 inpatient units, 43 clinical teams, and a network of 195 Vet Centers which provide outreach and counseling services. Waiting lines at some inpatient units exceed 1 year, and veterans often have to travel hundreds of miles to receive treatment.

H.R. 2280 would expand the existing service delivery system for PTSD by adding at least 10 clinical teams, 5 inpatient units, and

5 PTSD-substance abuse units. These provisions are consistent with the recommendations of the Chief Medical Director's Special Committee on PTSD, which has been calling for the expansion of PTSD treatment programs for the past 7 years. Regrettably, the recommendations have been consistently ignored by the VA in its budget request to the Congress.

If the provisions included in H.R. 2280 are enacted into law and the \$7.5 million in the fiscal year 1992 VA Appropriations bill passed by the House earlier this month is retained, these actions would amount to a 27 percent increase in current funding for PTSD treatment programs. But much more needs to be done.

The legislation I introduced earlier this year, H.R. 841, contains a blueprint for expansion of PTSD programs over the next 4 years. The bill we are considering today includes virtually identical program expansions as H.R. 841 for fiscal year 1992, but it does not go beyond the next fiscal year. While thankful for the improvements in PTSD treatment which are included in this legislation, I am nonetheless concerned that the Congress continue to provide guidance and resources until all the needs of veterans who need care for PTSD are met.

Before I yield back my time, I want to also express my concern that the legislation we are considering today does not contain any proposed expansion of the Vet Center Program, which I believe to be worthwhile. Vet Centers are cost-effective and have many outreach capabilities that hospital-based care units don't, and cities as large as Toledo, OH, and Nashville, TN, are not yet provided services by these centers. I'm hopeful that the Vet Center issue can be addressed in an appropriate forum at a later date.

Mr. Speaker, I urge my colleagues support for H.R. 2280, which is a great step forward for veterans awaiting treatment for PTSD. Thank you and I yield back the balance of my time.

Mr. GILMAN. Mr. Speaker, I am pleased to rise in support of H.R. 2280, Veterans Health Care and Research Amendments of 1991.

I would like to commend the chairman of the Veterans' Committee, the gentleman from Mississippi [Mr. MONTGOMERY] for introducing this important measure, and the ranking minority member, the gentleman from Arizona [Mr. STUMP] for his unceasing efforts on behalf of our Nation's veterans.

H.R. 2280 authorizes treatment of veterans who have a permanent service-connected total disability on a fee basis or by contract with a hospital. This important legislation also authorizes outpatient dental treatment to veterans receiving Department of Veterans Affairs treatment.

Mr. Speaker, 30 to 40 percent of our Nation's homeless are veterans. H.R. 2280 takes the necessary steps needed to help our Nation's homeless veterans by authorizing \$3.3 million in fiscal year 1992 and such sums in subsequent years to expand the outreach and community-based residential care for homeless, chronically mentally ill veterans, as well as authorizing \$300,000 in fiscal year 1992 and such sums in subsequent years for the establishment of a pilot program to assist homeless veterans.

Many of our Nation's veterans suffer daily from recurring nightmares of their days in combat. H.R. 2280 establishes at least 5 new posttraumatic stress disorder [PTSD] units and at least 10 PTSD clinical treatment teams. Additionally, the Chief Medical Director's Special Committee on PTSD will develop a plan for providing services for those suffering from PTSD.

This important measure also includes the establishment of a Medical Research Pilot Program. This program will be jointly funded by VA and a medical school or other public or nonprofit institution. The pilot program will focus on clinical care at VA facilities for mental illness, alcohol and substance abuse, or neurological, psychiatric, and geriatric rehabilitation.

Mr. Speaker, our support of this measure confirms the support in Congress for our veterans through making important changes in the veterans health care system to meet our Nation's veterans needs.

Accordingly, Mr. Speaker, I support H.R. 2280, and urge my colleagues to vote in favor of it.

Mr. STUMP. Mr. Speaker, I yield back the balance of my time.

Mr. MONTGOMERY. Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore. The question is on the motion offered by the gentleman from Mississippi [Mr. MONTGOMERY] that the House suspend the rules and pass the bill, H.R. 2280, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended, and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### PANAMA CANAL COMMISSION AUTHORIZATION ACT FOR FISCAL YEAR 1992

Mr. TAUZIN. Mr. Speaker, I move to suspend the rules and pass the bill (H.R. 1775) to authorize expenditures for fiscal year 1992 for the operation and maintenance of the Panama Canal, as amended.

The Clerk read as follows:

H.R. 1775

*Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,*

#### SECTION 1. SHORT TITLE.

This Act may be cited as the "Panama Canal Commission Authorization Act for Fiscal Year 1992".

#### SEC. 2. AUTHORIZATION OF EXPENDITURES.

(a) IN GENERAL.—Subject to subsection (b), the Panama Canal Commission is authorized to make such expenditures within the limits of funds and borrowing authority available to it in accordance with law, and to make such contracts and commitments, without regard to fiscal year limitations, as may be necessary under the Panama Canal Act of 1979 (22 U.S.C. 3601 et seq.) for the operation, maintenance, and improvement of the Panama Canal for fiscal year 1992.

(b) LIMITATION ON RECEPTION AND REPRESENTATION EXPENSES.—Of amounts avail-

able to the Panama Canal Commission for fiscal year 1992, not more than \$52,000 may be used for official reception and representation expenses, of which—

(1) not more than \$12,000 may be used for expenses of the Supervisory Board of the Commission;

(2) not more than \$6,000 may be used for expenses of the Secretary of the Commission; and

(3) not more than \$34,000 for fiscal year 1992 may be used for expenses of the Administrator of the Commission.

(c) PURCHASE OF PASSENGER MOTOR VEHICLES.—Funds available to the Panama Canal Commission for fiscal year 1992 may be used for the purchase of passenger motor vehicles (including large heavy-duty vehicles) used to transport personnel of the Commission across the Isthmus of Panama. Such vehicles may be purchased without regard to price limitations prescribed by law or regulation.

#### SEC. 3. GENERAL PROVISIONS.

(a) PAY INCREASES.—Notwithstanding section 1341 of title 31, United States Code, funds available for use by the Panama Canal Commission for fiscal year 1992 may be obligated to the extent necessary to permit payment of such pay increases for officers or employees as may be authorized by administrative action pursuant to law which are not in excess of statutory increases granted for the same period in corresponding rates of compensation for other employees of the United States in comparable positions.

(b) EXPENSES IN ACCORDANCE WITH LAW.—Expenditures authorized under this Act may be made only in accordance with the Panama Canal Treaties of 1977 and any law of the United States implementing those treaties.

#### SEC. 4. EXECUTIVE PAY SCHEDULE: ADMINISTRATOR.

(a) Section 5315 of title 5, United States Code, is amended by inserting at the end "Administrator of the Panama Canal Commission."

(b) Section 5316 of title 5, United States Code, is amended by striking "Administrator of the Panama Canal Commission."

#### SEC. 5. EFFECTIVE DATE.

This Act is effective on October 1, 1991.

The SPEAKER pro tempore. Pursuant to the rule, the gentleman from Louisiana [Mr. TAUZIN] will be recognized for 20 minutes, and the gentleman from Maryland [Mrs. BENTLEY] will be recognized for 20 minutes.

The Chair recognizes the gentleman from Louisiana [Mr. TAUZIN].

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, on March 19, 1991, the Coast Guard and Navigation Subcommittee held its first hearing of the 102d Congress under its new oversight authority over the Panama Canal Commission. This responsibility, previously held by the Panama Canal Subcommittee, has this year been incorporated into our current agenda. The members of the subcommittee are honored to receive this additional oversight and are pleased to present the Panama Canal Commission Authorization Act for Fiscal Year 1992.

Mr. Speaker, as you know, funding for the canal's operation is derived fully from its tolls and other revenues. However, the Commission is still subject to oversight and authorization by the U.S. Congress.

H.R. 1775 authorizes the Panama Canal Commission to spend from its tolls and revenues that amount necessary to fund the continued operation of the canal and authorizes the Commission to continue its capital improvement projects. Although the Commission has never had to resort to borrowing funds for operations, this bill grants the Commission the necessary emergency borrowing authority.

H.R. 1775 was amended in subcommittee markup to raise the pay of the canal Administrator to equal that of similar Government jobs with comparable responsibilities. This pay increase has been judged by the chairman of the Post Office and Civil Service Committee, the Honorable BILL CLAY, as noncontroversial and well justified.

Mr. Speaker, H.R. 1775 has the limited scope and purpose of continuing the operation and improvement of the Panama Canal. The uninterrupted operation of the Panama Canal over the past 75 years is due to the hard work and dedication of this international work force. Its current success is a credit to the persistence of the Panama Canal Commission under the direction of Administrator Gilberto Guardia and the good people of Panama.

Mr. Speaker, let me say that it is an honor again to chair the subcommittee with oversight of the Panama Canal. It is equally an honor to share this responsibility again with my colleague JACK FIELDS. JACK and I made great strides in our previous tenure as subcommittee chair and ranking minority member of the Panama Canal/Outer Continental Shelf Subcommittee and, as we have shown with this authorization, we can and will continue to work together in a bipartisan manner.

I look forward to working with Mr. FIELDS and the subcommittee members to assist in the efforts of the Canal Commission to insure the safety and well-being of the region for the benefit of the international maritime community.

I urge your support and ask for the adoption of H.R. 1775, the Panama Canal Commission Authorization Act for Fiscal Year 1992.

Mr. Speaker, I reserve the balance of my time.

Mrs. BENTLEY. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, as a member of the Committee on Merchant Marine and Fisheries, I am speaking both for myself and the gentleman from Texas [Mr. FIELDS] who is the ranking minority member of the Subcommittee on Coast Guard and Navigation, under whose jurisdiction falls the Panama Canal.

As a cosponsor of H.R. 1775, Mr. Speaker, I rise in strong support of this legislation which will authorize the expenditure of funds by the Panama Canal Commission [PCC].

Mr. Speaker, the Panama Canal Commission is a unique Federal agency. It



operates entirely on those moneys it raises from the users of the canal and it is charged by U.S. law with the responsibility of operating on a break even basis. In fact, if the Commission miscalculates in its assessment of future revenues then any profit that it may generate does not go to the U.S. Treasury but to the Government of Panama.

H.R. 1775 is a simple, straightforward 1-year authorization which does not make any permanent changes in law. It does not propose any contingency or profit payments to the Republic of Panama and, most importantly, like previous authorizations, it does not include any United States taxpayer money. All revenues raised by the Commission are the direct result of tolls or other charges levied on those who transit the Panama Canal.

Mr. Speaker, this is the seventh PCC budget that I have reviewed and the 11th for the gentleman from Texas [Mr. FIELDS] and it is my firm belief that the Panama Canal Commission has once again accurately projected their financial needs for the upcoming fiscal year.

In addition, this is the fourth such authorization request since Congress changed the Commission's financial structure from an appropriated fund to a revolving fund agency.

It is clear that this change has been a tremendous success and that it has allowed the Commission to respond more effectively to changing shipping patterns such as those caused by the recent Middle East turmoil.

While canal traffic levels have declined somewhat since the end of the Persian Gulf conflict, the Commission did a great job, throughout the crisis, of handling the increased number of transits and it ensured that oceangoing cargo moved through the Panama Canal in a most expeditious manner.

Mr. Speaker, for their tireless efforts, I would like to compliment the multinational work force of the Panama Canal Commission and, in particular, publicly acknowledge the outstanding leadership of Mr. Gilberto Guardia and Mr. Ray Laverty. Mr. Guardia became the first Panamanian national to serve as Administrator and Mr. Laverty became the first Deputy Administrator on September 20, 1990, and both have done a superb job.

Finally, it is my hope that we will soon bring to the House of Representatives, an additional bill to further streamline the financial management of the Panama Canal Commission which will provide that agency with greater financial flexibility to respond to unpredictable events, such as landslides, major marine accidents, and future international conflicts.

Mr. Speaker, I compliment my distinguished subcommittee chairman, BILLY TAUZIN, for his outstanding leadership in moving this legislation for-

ward. This is a noncontroversial authorization bill which every member can support for it recognizes our nation's responsibility to ensure the safe and efficient operation of the Panama Canal.

I urge an "aye" vote on H.R. 1775.

□ 2050

Mr. TAUZIN. Mr. Speaker, I yield myself such time as I may consume.

First, I would like to thank the gentlewoman from Maryland [Mrs. BENTLEY] for her comments and for standing in for the ranking minority member, the gentleman from Texas [Mr. FIELDS], tonight. I wish she would extend to him my heartfelt thanks for his work on this bill.

Mr. Speaker, I yield such time as she may consume to the gentlewoman from Hawaii [Mrs. MINK].

Mrs. MINK. Mr. Speaker, I rise to ask Chairman TAUZIN to participate in a brief colloquy to clarify aspects of the Panama Canal Commission's vessel damage claims procedure.

I have recently been contacted by a cooperative of Hawaiian sugar producers which operates in the sugar transport trade between Hawaii and the continental United States.

On April 21, 1988, one of the vessels owned by the cooperative, a Hawaiian transportation company, was involved in an accident while being piloted through the canal by the Canal Commission's pilot.

The accident caused extensive damage to the vessel. The local board of inspectors determined that the accident was due to error by the pilot, and the Commission has accepted liability for the damage.

The Hawaiian transportation company has brought to my attention its concern about the delay in processing the claim, and I request, Mr. Chairman, some explanation of that process.

Mr. TAUZIN. Mr. Speaker, I want to commend the gentlewoman for her concern and would be pleased to clarify and explain the process which was established with the passage of the Panama Canal Act of 1979 and enhanced and further developed in the 100th Congress while I served as chairman of the Panama Canal Subcommittee.

The Panama Canal Act of 1979 provides for the settlement and payment of claims for damages to vessels transiting the Panama Canal due to any error of Commission employees.

Because vessels transiting the canal are under the full control of a canal employee, the Commission is duly held responsible for accidents resulting from Canal Commission pilot error.

Claims resulting from damages that occur to vessels inside the canal locks due to Commission employee error may be adjusted and paid by the Panama Canal Commission and if the claimant is not satisfied with the payment, he may sue in the U.S. district court.

Consideration by the Commission of any claim must be prompt and within a reasonable amount of time.

All vessel damage claims must be filed with the Commission within 2 years following the accident.

Prior to the Panama Canal Act Amendments of 1985, all claims in excess of \$120,000 had to be referred to Congress for consideration, however, the act of 1979 included no instructions for congressional consideration and the process became very time consuming and confusing. The Panama Canal Amendments of 1985 removed the \$120,000 maximum and made all claims subject to Commission consideration and granted all certified claimants the right to protest an award amount in court.

The Panama Canal Act Amendment of 1985 requires that all claims must be based upon proven fault.

I will add that neither the Commission nor Congress ever has denied that accidents due to pilot or other Commission employee error are the Commission's responsibility. I have found no deliberate attempts by the Commission to delay a claim or go beyond its congressional mandate.

As to the accident and claim which the gentlewoman spoke of, I have talked to Panama Canal officials responsible for processing claims and they assure me that the matter is being handled as expeditiously as possible and in accordance with the law. I would add that the Panama Canal Commission has an enviable record for prompt and fair adjudication of vessel damage claims and I am confident they will continue to maintain that record.

Mrs. MINK. Mr. Speaker, I thank the gentleman from Louisiana [Mr. TAUZIN] for his clarification on the process and actions the Commission has taken in this particular case. Let me be perfectly clear that my concern in this matter is that there has been considerable delay in the handling of this claim. But I have been assured by the Commission and by the remarks of the gentleman this evening on this matter that the claim will go forward and there will be full and just consideration.

I appreciate the confidence in the Commission's process on the part of the gentleman from Louisiana [Mr. TAUZIN] and his assurance that this matter will be dealt with in an expeditious manner.

Mr. TAUZIN. Mr. Speaker, let me again congratulate the gentlewoman from Hawaii [Mrs. MINK] for her vigilance on behalf of her constituent, and assure not only the gentlewoman, but this Congress, that our oversight of the canal indeed requires us to continue to maintain that record of prompt settlement, and we will continue that vigilant effort.

Mr. Speaker, I thank the gentlewoman again for her interest.

Mr. Speaker, I yield such time as he may consumer to the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Speaker, I would like to compliment the gentleman from Louisiana [Mr. TAUZIN] on the fine work he has done on this piece of legislation, and just say how important it is in terms of not only our country, but that of Panama. It is certainly in our country's best interests.

Mr. TAUZIN. Mr. Speaker, reclaiming my time, while the gentleman from Texas [Mr. FIELDS] is present in the body, I again want to congratulate him for the sterling work he has done on this bill and for the excellent cooperative relationship the ranking minority member has always maintained with this member and the committee, and thank all members for their help.

Mr. Speaker, I yield back the balance of my time.

The SPEAKER pro tempore (Mr. SAWYER). The question is on the motion offered by the gentleman from Louisiana [Mr. TAUZIN] that the House suspend the rules and pass the bill, H.R. 1775, as amended.

The question was taken; and (two-thirds having voted in favor thereof) the rules were suspended and the bill, as amended, was passed.

A motion to reconsider was laid on the table.

#### GENERAL LEAVE

Mr. TAUZIN. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include therein extraneous material, on H.R. 1775, as amended.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Louisiana?

There was no objection.

#### REPORT ON U.S. GOVERNMENT ACTIONS IN SUPPORT OF PEACEFUL RESTORATION OF INDEPENDENCE FOR BALTIC STATES—MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 102-106)

The SPEAKER pro tempore laid before the House the following message from the President of the United States; which was read and, together with the accompanying papers, without objection, referred to the Committee on Foreign Affairs and ordered to be printed.

(For message, see proceedings of the Senate of today, Tuesday, June 25, 1991.)

#### OFFICE OF FEDERAL MANAGEMENT ACT OF 1991

(Mr. PANETTA asked and was given permission to address the House for 1

minute and to revise and extend his remarks.)

Mr. PANETTA. I rise today to introduce the Office of Federal Management Act of 1991.

This Office would coordinate, audit, oversee, and improve management practices within the Federal Government. There has literally been a breakdown in effective management at the Federal level, the S&L debacle, the HUD scandal, the mismanagement at Medicare, the examples go on every day.

There is a clear and growing frustration among the American people that Government has lost its ability to effectively manage itself. While the public largely accepts the need for Government to play a vital role in a democratic society, they do not and should not support Government that is bloated, poorly organized, or incompetent.

The fact is that the United States needs a competent government. Ineffective management is extremely costly to the taxpayers. Moreover, nations with competently managed governmental sectors supporting innovative private sectors will outperform and outcompete nations whose governmental sectors are ineffective and poorly managed. Today there is a sense that no one is really managing the basic government apparatus in a coherent manner or in a discernible direction. In addition, although complete breakdowns are few in number, when they do occur they tend to be dramatic and expensive. Surely, the savings and loan debacle and the HUD scandal are instances where inadequate management, organization, and oversight contributed to the costly impact upon our political system. And even when warnings of problems have been given, the response has generally been to impose additional financial control mechanisms—after-the-fact-management—rather than to invest in better management systems, practices, and personnel—prospective management. For present purposes, I have listed several areas where the absence of adequate management capacity has been particularly costly to our Nation.

Savings and loan debacle;  
HUD scandal;

Emerging financial concerns about the safety and soundness of government-sponsored enterprises, for example, "Fannie Mae," and the adequacy of regulation;

Ongoing problems related to the procurement process in the Department of Defense and the civilian agencies;

Nuclear weapons complex deterioration;

Inadequacy of comprehensive intermodal transportation planning at the national, State, and local levels;

Management problems associated with the Federal Aviation Administration;

Inadequacy of U.S. basic research and development programs,

Inability of Government to compete for its fair share of managerial talent because of restrictive salary policies;

Growing disparity between demands placed upon incarceration systems and available resources;

Growing dependence upon third parties to perform fundamental governmental functions without administrative supervision;

Growing dependence upon third parties to perform fundamental governmental functions without administrative supervision;

Proliferation of quasigovernmental institutions designed to avoid accountability to executive branch central managerial agencies and in some instances accountability to Congress;

The excessive administrative overhead charges in university research grants and the administration of the Superfund by the EPA; and

The vulnerability of the enormous Medicare Program to large losses to the taxpayer through mismanagement, waste, and abuse.

For the most part, both successes and failures in the management of agencies and programs are not readily observable to the public or even interested legislators. Successes are taken for granted and failures are not highlighted unless the situation results in a scandal or in large financial costs. America does not often place a high premium on effective public sector services or performance. Thus, long-term investments in improving the capacity of agencies to perform their statutory functions is rarely a stated goal of Congress.

Although the President is generally charged with management responsibility for the executive branch, recent Presidents have not exhibited much interest or commitment to this responsibility. Lack of concern by Congress and the President in management of complex social programs and agency performance in the past has often been compensated for by the activities of central management agencies, principally the Bureau of the Budget and more recently the Office of Management and Budget. To many observers, however, the Office of Management and Budget has devoted its principal strength and attention to current budget issues with the result being little central direction or support to the management executives in the executive branch.

The truth is that budget priorities will always tend to displace management priorities. For one thing, their timetables are at odds. Budgetary timetables of necessity tend to be rigid, short term, and almost exclusively bottom-line oriented. Management priorities, on the other hand, tend to be flexible, long term, with success generally measured in non-financial terms. Both budget and management functions have suffered from this forced marriage.



The bill I am introducing today proposes a solution to the organizational deficiencies documented by numerous congressional, General Accounting Office, and private research studies. This bill would split organizationally the budget and management functions between two equal agencies in the Executive Office of the President; an Office of Federal Budget [OFB] and an Office of Federal Management [OFM]. The Directors of these two Offices would be principal advisers to the President at Cabinet rank. The intent is to assist both the President and Congress to better perform their respective responsibilities by recognizing the fundamental distinctions that exist between the budgetary and management functions of government. Ultimately, the objective of this bill is to improve the capacity of our Government to serve our domestic needs more effectively.

Stated differently, it serves the interests of Congress well to recognize that management functions and budget functions are best implemented when performed by separate agencies. The Director of OMB is frequently criticized by Congress for not spending sufficient time and resources on management issues. On the other hand, the time he does spend on these issues is time away from meeting his budgetary responsibilities. As chairman of the Budget Committee, I can assure the Members of this body that the development and implementation of the annual budget is a full-time responsibility and the Director should spend his full time at this task.

The Director of the Office of Federal Management would be assigned by law responsibility to ensure that the generic management laws, for example, Government Corporation Control Act, are implemented throughout the Government and to ensure that the several elements, for example, financial management systems, procurement policy, of the President's management responsibilities are fully overseen by competent managers with governmentwide perspective.

There is no more complex organization than the Federal Government. Its responsibilities are enormous and the demands it faces insatiable. It is fashionable today, even among those who consider themselves scholars of the Presidency, to say that the Government is essentially unmanageable and that the President should stay clear of management problems as much as possible. This argument is false. Presidents do not really have a choice. They are "hired" by the people of the United States to manage the Government and should be judged politically in large measure on how well they have met this stewardship responsibility.

The Congress, as a coequal branch, also has responsibilities and deserves to be judged on how well it is meeting its responsibilities. Many persons who

suggest that the President is well advised not to become too involved in domestic management—because it is not politically lucrative—also criticize Congress for micromanaging the executive branch. As recent Presidents have retreated from their managerial responsibilities, Congress has tended to fill the resultant void by passing laws with extraordinarily detailed regulations and requirements. Many of these laws are passed without the question ever being raised: "Is this law administrable?" Certainly, much of the current financial institutions crisis can be laid to both OMB—which never involved itself seriously on the organizational and management issues—and the Congress—which did involve itself but in an inconsistent manner—which passed arguably the longest and most detailed bill in American history—the Financial Institutions Reform, Recovery, and Enforcement Act of 1989.

A separate Office of Federal Management would be charged by both the President and the Congress with designing the organization and management systems most likely to manage properly such complex problems areas as our current financial institutions crisis. Both the President and Congress would certainly have their inputs and final say, but the original proposal would be reasonably sound in management terms.

There are some lessons to be learned from the history of OMB. The decline in OMB's capacity to manage the executive branch has been a 20-year process. Ironically, the decline of management oversight within the executive branch began at the very moment that management received its symbolic equality with the budget responsibilities of the President. In 1970, the Bureau of the Budget became the Office of Management and Budget, a name change designed to reflect a new and enhanced commitment to managing the executive branch.

Prior to 1970, the top leadership of the Bureau of the Budget had been largely drawn from the career civil service, a cadre that took "neutral competence" seriously as its ideal. The objective of the agency had been to protect the institutional interests of the Presidency, not the immediate political interests of the incumbent President. The latter was the responsibility of the White House staff.

This ideal was gradually displaced in the 1970's and 1980's by the introduction of numerous noncareer management positions in OMB occupied by short-term appointees with a politically motivated agenda. The political agenda included deliberate disinvestment in management functions not only at the OMB level but at the departmental and agency level as well. Management became increasingly defined in "control" terms rather than as "capacity building." These trends had consequences,

consequences graphically evident to the Senate Banking Committee's Subcommittee charged with investigating the HUD scandal and recommending solutions. The subcommittee report stated:

Given the mismanagement and abuse of certain HUD programs during the 1980s, it is important to inquire why OMB oversight of HUD management failed to uncover or prevent it. The answer has been evident since OMB's creation in 1970. OMB's management efforts have been largely unable to compete for resources or attention with the high-priority budget process, and have therefore been minimal. Even when certain management oversight strategies have received attention and resources from OMB, their effects have been adversely influenced by the short-term budget mindset and highly politicized nature of that organization. (U.S. Congress, Senate, Committee on Banking, Housing and Urban Affairs, HUD/HOD Rehab Investigation Subcommittee, Final Report and Recommendations, Com. print 123, 1990, p. 194.)

The weakness of OMB as a central management agent was well documented prior to the emergence of the HUD problems. As early as 1983, the National Academy of Public Administration issued a scathing commentary on the declining capacity of OMB to perform its functions. The commentary stated:

In its earlier years, agencies came to rely on BOB/OMB as a key source of government-wide initiatives for keeping Federal management modern and up-to-date. In recent years, however there has been a growing concern that, even while OMB continues to be capable of occasional excellent performance, it has irretrievably lost its overall effectiveness as government-wide leader in management matters. (National Academy of Public Administration, Revitalizing Federal Management: Managers and Their Overburdened Systems, 1983, p. 11.)

Critical assessments of OMB's management role and philosophy have become almost regular in their appearance. It is difficult for a congressional committee to study a management problem and not conclude that OMB has been unduly preoccupied with immediate budgetary requirements.

In 1986, Senator William Roth, then chairman of the Senate Governmental Affairs Committee, introduced and held hearings on a bill which would have, among other things, created a separate Office of Federal Management within the executive branch. The committee offered the following conclusion:

The development of managerial resources at the agency level through the annual review process has, often as not, been overtaken by OMB's urge to micro-manage agency initiatives. Little attention has been accorded human resource management, for example, except in the context of agency outbacks and reductions in force. So long as OMB's predominant motivation is to achieve "scorable savings" in the budget process, however, it seems likely that the exercise of central administrative controls—regulations, directives, and reporting requirements—will be far more compelling than the

development of managerial capacity. (U.S. Congress, Senate, Committee on Governmental Affairs, Federal Management Reorganization, Cost Control, and Loan Accounting Reform, Hearing 879, 1986.)

The General Accounting Office has issued numerous reports highly critical of executive branch management philosophy and activities. In 1989, the Comptroller General issued an extensive report detailing the eroding capacity of OMB to perform its management mission. In part it read:

OMB's 378 professional staff play a key role in assisting the President oversee the activities of the government's 5 million employees and over \$1 trillion budget. OMB's institutional culture has been dominated by its budget responsibilities, which consume most of its resources and top management attention. Currently, about 230 of OMB's professional staff compile, examine, and produce the Federal budget (leaving about 148 professional staff to perform the management responsibilities of the Office).

OMB's preoccupation with the budget has been growing. It is increasingly involved in Congressional budget deliberations and is under constant pressure to meet deficit reduction mandates. However, while OMB's budget workload has intensified and Federal management has become more challenging, OMB is about 15 percent smaller now than it was in 1970.

In the management area, resources devoted to management divisions have been cut almost in half during the last several years. Moreover, OMB's management improvement efforts have been affected over the years by continually changing initiatives and approaches. (U.S. Comptroller General, Managing the Government: Revised Approach Could Improve OMB's Effectiveness (GAO Management Review), GAO/GGD-89-65, 1989, p. 2.)

The National Academy of Public Administration, reviewing the years after its 1983 report, concluded in its 1989 report to President-elect George Bush, that the situation had become even more threatening than was the case when it issued its earlier report. The Academy called for the establishment of a separate Office of Federal Management as the first step toward rebuilding the President's capacity to manage the domestic side of the executive branch. The Academy stated:

OFM's role should be to facilitate; to instigate, promote, and assist; and not primarily to regulate, control, or audit. The Federal Government has more than enough audit/regulatory mechanisms and overseers. What it suffers from is not the lack of ability to evaluate itself; it suffers from an inability to take action and to implement change. It has all too few agents that can create sustained and coherent action, and therefore the OFM role in designing and directing action is too precious to be allowed to dissipate into that of another regulator or 'watchdog.' A serious failure of the central agencies in recent years has been that, in their preoccupation with their regulations, they have been a force for rigidity, entrenchment, and stultification, instead of loosening up the system, dislodging entrenched interests, promoting innovation, and creating the capacity and the will to experiment. (National Academy of Public Administration, Standing Panel on Executive Organization and Man-

agement, Strengthening Presidential Leadership by Establishing an Office of Federal Management, 1988, p. 11.)

In late 1990, the Senate Governmental Affairs Committee held hearings on the state of OMB's management response to various continuing problems. Witnesses tended to be quite critical. At one point, Dwight Ink, the official at the old Bureau of the Budget who in 1970 had been responsible for drafting reorganization plan No. 2, which established the Office of Management and Budget and for defending the proposal to a skeptical Congress, recanted his earlier support for linking the budget and management responsibilities in one agency. He said that the experiment has been a failure and that the linkage is detrimental to management.

Experience has shown that a high level of integration of management and budget in OMB leads to heavy domination by the budget process and the rapid erosion in its management role. I found time-after-time that the effectiveness of my management staff in OMB was in direct proportion to the extent to which we could distance ourselves from control of the budget process. (Statement of Dwight Ink before the U.S. Senate, Committee on Governmental Affairs, OMB: Response to Government Management Failures, Hearings 1152, 1991.)

The most systematic indictment of management failure is to be found, however, in the 1990 Senate Banking Subcommittee Hearings and Report on the HUD scandal. The report is thorough and spreads the blame widely. While much of the report deals with the internal mismanagement of HUD, the strongest criticism are assigned to OMB's inability to oversee and detect HUD's managerial problems in advance. The report pointed out:

By all accounts, OMB's specific oversight of HUD programs during the past decade consisted of five budget examiners developing HUD's budget, and, in their spare time, reviewing HUD programs. Not surprisingly, those examiners spent almost all their time reviewing very general aggregate program data and addressing major budget policy issues. They claim they had no knowledge that HUD projects were being improperly awarded by officials in the Pierce administration—a fact which is not surprising given that the average examiner spends only two days per year in the field reviewing how the particular programs under his or her jurisdiction are administered. (HUD/MOD Report, p. 194-5).

This Senate Banking Subcommittee report concluded, as have many others, that the situation at OMB cannot be remedied within the existing structure of the organization. The subcommittee recommended, therefore, that "OMB should be split into an Office of Budget and a separate Office of Management."

As recently as June 20, the Congressional Budget Office cited the failure of regulators to close thrift institutions when they first went broke. Over the past 10 years the cost to the Federal Government was \$66 billion more than it should have been. Regulatory for-

bearance permitted the thrift industry to continue to waste money.

The current leadership of OMB itself recognizes the weaknesses of its overall management record. As the recently resigned Deputy Director of OMB, William Diefenderfer, described the "big picture" management view of OMB, it was "moribund, we had one person looking at the management side for all government." (HUD/MOD; Hearings vol. II, p. 129.)

What OMB officials do argue, through the testimony of Director Richard Darman and others, is that they are aware of the problem and are doing something to correct it. They argue that management must be linked to the budget process if it is to have any clout. They also argue that budget and management examiners should work together and that general management problems are best handled within the context of the budget process.

Is OMB taking its management oversight responsibilities more seriously as a result of the HUD scandals? The answer is "Yes." They supported a congressionally inspired Chief Financial Officers Act of 1990—Public Law 101-576—one provision of which creates a new Deputy Director for Management. This second Deputy, in Director Darman's view, symbolizes the renewed commitment of OMB to management. Although as of June 25, 1991, the President has yet to submit a nomination for this Deputy Director position. Skeptics, however, question the scope and duration of this commitment. They see the approach as not being substantially different from the approach of the last 20 years. Reliance will continue to be placed on financial management control mechanisms rather than on building management capacity both within OMB and the various departments and agencies.

The management side of OMB has requested and received approximately 40 new positions. The majority of these new hires will be assigned financial management responsibilities. In former Deputy Director Diefenderfer's plan, "the management component of OMB will continue to work on cross-cutting issues, but the assignment of management examiners for specific agencies should, working with budget examiners, provide the needed help in conducting Federal management oversight." These new management examiners are to become agency oriented, like their budget examiner counterparts. The objective is to make them specialists, not generalists, and tie the budget review process even more closely to the management concerns.

The philosophy of the management side of OMB remains oriented toward control and investigation, not increased capacity. The emphasis continues to be problem specific. Indeed, the major new management initiative has



been to list 114 high-risk programs and to assign their modest resources toward reducing this number.

To build a competent government, the central management agency must have the philosophy, financial resources, personnel, and political support to do its job in a professional manner. It requires a long-term commitment, one lasting over several Presidencies and one transcending partisanship and ideology. It must be oriented toward the future, not investigating and punishing the past. Rather than simply having better financial management systems to keep track of the Government-sponsored enterprises, say, as they fall into the financial abyss, the central management agency should be designing organizations and management systems which will prevent, or at least discourage, the financial crises before the fact.

What will be the source of clout in this new OFM, if created? The basic source for management authority and leverage is to be found in the administration of the approximately 150 or so generic management laws. Generic management laws are those cross-cutting laws regulating the activities, procedures, and administration of all agencies of Government save those exempted by law. Examples of generic management laws include the Government Corporation Control Act, Paperwork Reduction Act, and the Freedom of Information Act.

In addition to a substantial legal basis for the agency, the OFM would be a professional organization dedicated to building managerial capacity and accountability within the executive branch agencies themselves. The small size of OFM ensures that it will be concerned with cross-cutting issues and with the implementation of generic management laws rather than getting into the details of managing agencies themselves.

It does not take great numbers of persons to be alert to the big management picture as long as they are the best and most experienced people available and as long as they can be overseeing in the name of the President. I am listing here the areas specifically provided in the bill to be the responsibility of the new OFM. This means that the laws, regulations, and directives pertinent to these areas will become the responsibility of this new Office: Organizational design and planning, central legislative review and advice, regulatory review and clearance, procurement policy, human resources planning, financial management systems, government corporations and enterprises, real and personal property management, information and statistical policy, advisory committee management, intergovernmental relations, program evaluation practices, productivity enhancement, government capital investment management, travel

and transportation services, paperwork management and control, grants-in-aid management systems and techniques, Freedom of Information Act compliance, Privacy Act compliance, and printing, reproduction policies, and oversight.

The key question raised by this legislation is whether this central management responsibility is best left immersed in the dual role of the Office of Management and Budget or whether it requires a specifically defined role. The clear experience of the last few years, including my own experience in budget issues, is that OMB will always be consumed by the budget.

With an Office of Federal Management, Congress would know where responsibility lies for addressing problems currently dispersed among many agencies or, more likely, not covered at all. The irony is that good management is also good budgeting and even good politics. People expect the President and the Congress to manage properly their business. Good public sector management may not be politically attractive, but it is the fundamental building block for a competent Government and a competitive America.

□ 2100

#### NATIONAL COMMISSION ON AMERICAN LABOR LAW AND COMPETITIVENESS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Wisconsin [Mr. GUNDERSON] is recognized for 5 minutes.

Mr. GUNDERSON. Mr. Speaker, today I am introducing legislation to establish a National Commission on American Labor Law and Competitiveness.

The Nation's labor laws are rooted in the early 1900's, designed then to address the unique economic turmoil facing American businesses and American workers. The laws were designed to carry the Nation through the Great Depression and into the uncharted economic expansion which followed. Successive laws have been piled on through the years, mostly in reaction to individual or industry specific problems. Today, the Nation faces economic challenges and competition from abroad not envisioned during the beginning of the century. It is important that the Nation begin now to structure a new era of labor law.

The Commission established by the bill would examine the relationship between the Nation's labor laws and competitiveness in both foreign and domestic markets, and would make recommendations to enhance the growth and competitiveness of American businesses, protect the rights and conditions of American workers, and improve the general welfare of the American public.

#### THE COMMISSION

The bipartisan Commission would be made up of 16 members, 8 to be selected by the Democratic leadership and in Congress, the other 8 to be selected by the President and Republican leaders in Congress.

The Commission would conduct the first comprehensive review of the Nation's labor laws to determine whether and how they might be modified, expanded, deleted, or consolidated. The Commission would then focus on the relationship between the Nation's body of labor laws and the growth and competitiveness of U.S. businesses.

Based on its findings, the Commission would make recommendations to ensure that the Nation has an integrated policy which promotes the growth and competitiveness of business, addresses the current and future needs of American workers, and improves the general welfare of the American public.

#### THE NEED FOR A COMMISSION

Since the last comprehensive labor law review in 1959, the Nation has witnessed a period of remarkable social and economic change, both at home and abroad. Demographic shifts have had, and will continue to have a significant impact on workers and businesses. Much of the overall population has moved south and west, employment growth has moved from manufacturing to the service sector, and more women and minorities are entering the work force.

The social and economic changes abroad have been even more dramatic. Many nations which were remote and impoverished before World War II have become dynamic economic competitors. These nations and others have overcome our previous competitive advantages. Changes in Europe will mean even more competition from abroad, as will multilateral and bilateral free trade agreements between nations.

In order to remain competitive into the future, the Nation must modernize its labor laws. According to the Department of Labor's report, "Work Force 2000: Work and Workers for the 21st Century";

(M)ost of the policies that guide today's economy and labor markets were originally devised in the 1930's or 1960's in response to the conditions and problems of those decades. . . . As times have changed, the relevance of these programs from earlier eras must increasingly be called into question. As change continues to unfold between now and the year 2000, many of the policies from past decades are likely to become irrelevant to the needs of the 1990's and beyond.

There is a wide range of labor law in the United States, from laws governing labor-management relations to laws protecting the civil rights of workers, ensuring workplace health and safety, establishing wages and benefits, and governing worker training and retraining. These myriad laws have been enacted over the course of more than 50 years, and in response to numerous different concerns and crises.

#### THE FOCUS OF THE COMMISSION

Throughout the next several weeks, I will be discussing the history of the Nation's major labor laws, and will outline the problems facing the Nation in carrying these laws into the next decade and beyond. It is my hope that a bipartisan Commission would make recommendations to improve labor laws in the following areas:

#### LABOR-MANAGEMENT RELATIONS LAWS

While no comprehensive changes have been made to the NLRA since 1959, major

labor-management disputes since that time have demonstrated both that the ability of the NLRB to respond, and the focus of the NLRA itself could be greatly improved.

First, the commission should focus on improving the National Labor Relations Board process to eliminate delays. Because the current process often prevents timely NLRA intervention to resolve labor-management disputes, procedural, and structural improvements should be made in a manner that balances quicker resolution of cases with adequate due process protections.

Second, the Commission should offer suggestions to improve the balance of the National Labor Relations Act [NLRA] between labor and management. In general, employers argue that the collective-bargaining process is too inflexible under present law, causing polarization in negotiations. Employees argue that, while the law defines an employer's minimum legal responsibilities to his or her employees, it offers no guidance in promoting moral and social responsibilities. Changes to the NLRA reflecting new focuses in labor-management relations could emphasize the common elements both parties share in maintaining productivity and improving competitiveness.

#### EQUAL EMPLOYMENT OPPORTUNITY LAWS

Today, equal employment opportunity laws hinder American competitiveness, first, by providing uncertainty to employers eager to avoid litigation; and second, by failing to adequately address the concerns of workers who are victims of discrimination.

First, the Commission should look for ways to eliminate duplication and inconsistency in equal employment opportunity laws. Employers and employees both complain that each of the antidiscrimination laws is applied differently and entails different administrative filing deadlines, statutes of limitations, and administrative and court-ordered remedial procedures.

Second, the Commission should propose alternative dispute resolution methods that will adequately protect victims of discrimination while easing the increasing litigation in this area.

#### HEALTH AND SAFETY LAWS

Problems with health and safety laws are due, in part, to the fact that they were enacted as a result of individual accidents or events, in the case of the Mine Safety and Health Act [MSHA], or in response to the politics of the moment, in the case of Occupational Safety and Health Act [OSHA].

First, the Commission should suggest ways to eliminate duplication of OSHA and MSHA regulations, both between the two laws, and among other Federal laws.

Second, the Commission should review the effectiveness of the current focus under both MSHA and OSHA on enforcement of laws over education efforts and conformance assistance.

#### WAGE LAWS

Maintaining the prevailing wage standards without review and improvement will continue the trend in Federal contracting of inefficient allocation of labor resources, increased costs, and reduced employment opportunity, especially for semi-skilled and entry-level employees. The evolution of other worker protection

laws, and of a more flexible workplace over the last 50 years would make a review of prevailing wage laws appropriate today.

First, the Commission should promote methods to eliminate duplication and overlap among the many wage laws, including the Service Contract Act, Davis-Bacon Act, Walsh-Healy Act, and Fair Labor Standards Act [FLSA].

Second, the Commission should make suggestions as to how these wage laws can better reflect market wage rates over government-imposed wage rates and still protect workers' rights to fair labor rates.

Third, the Commission should suggest an alternative to the current compliance mechanisms employers face in conforming with the overlapping and duplicative requirements established by the numerous wage laws.

Fourth, the Commission should make recommendations on ways to eliminate current barriers to apprenticeships, including the nonportability of my apprenticeship programs, and the limitations placed on apprenticeship programs on Federal projects.

#### EMPLOYEE BENEFIT AND PENSION LAWS

Improved competitiveness is reliant in large part on the degree to which a labor force is motivated and mobile. As industries change, often requiring workers to learn new skills, relocate, and change jobs, all employees should have greater confidence that their needs will be met through benefit and pension plans.

First, the Commission should make recommendations for improving pension funding standards, which would give employees greater assurance their retirement pensions will be secure when they are needed.

Second, the Commission should propose a system to better protect workers' health and benefit plans in a comprehensive way, making benefit guarantees made to workers in collective bargaining more meaningful, thereby promoting the confidence employees will put in labor-management negotiations.

Third, the Commission should suggest changes to improve the portability of workers' benefit packages, which would match the trend of worker movement among jobs, and would help America's small businesses to compete both nationally and internationally.

#### EMPLOYMENT AND TRAINING LAWS

Unlike most of its major competitors, the United States lacks a comprehensive system for worker training. The primary Federal training programs, JTPA and apprenticeship, address the fringes of worker training needs.

First, the Commission should propose improvements for Federal worker training assistance to increase the access of all Americans to training programs, and to establish greater national attention on addressing workers' needs in the transition from formal education to the workplace.

Second, the Commission should propose changes to improve the lack of uniform definitions and requirements workers face when enrolling in current Federal training programs.

Third, the Commission should suggest guidelines to transfer the focus on our Federal training programs from providing minimal income maintenance to providing skills building opportunities.

#### THE GOAL OF THE COMMISSION

Most changes to the Nation's original labor laws have simply been piled upon the original

laws, without any comprehensive review of the workplace needs of the day. The compilation of these laws has resulted in complexity, overlap, and duplication.

Today, the Nation faces the challenge of remaining competitive in an increasingly competitive world economy. In order to respond to the challenge, the very foundation upon which the Nation's labor laws are laid must be updated. A Commission, set apart from the partisanship that has pervaded past efforts at reform, can best guide this process.

With the completion of the Commission's work, the Nation's ability to establish a national consensus for labor law reform, and to evaluate, debate, and develop labor proposals in a comprehensive manner will be greatly enhanced.

#### IN SUPPORT OF INTERIOR APPROPRIATIONS MEASURE—H.R. 2686

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Ohio [Mr. ECKART] is recognized for 5 minutes.

Mr. ECKART. Mr. Speaker, today I rise to express my support for the Interior Appropriations measure, H.R. 2686. It contains necessary funding for many historically significant and technologically important programs, two of which are in my home State of Ohio.

One such allowance is for the James A. Garfield National Historic Site, popularly known as Lawnfield. James A. Garfield, as you all know, was the 20th President of the United States. To commemorate President Garfield, Congress passed a law designating his home in Mentor, OH, as a national historic site. Since 1990, the Appropriations Committee, and the Congress, has recognized the historical significance of Lawnfield and has provided the necessary funds to preserve and maintain this site for future generations.

Second, the bill funds advanced short- and long-term battery research for electric vehicles. In my district, there is a small company called Eltech, which has been the lead researcher in the field of aluminum-air batteries.

Aluminum-air research is important in that it is one of the few systems presently under development that would be capable of powering an electric vehicle for more than 300 miles between charges. Even then, only water need be added.

General Motors, Ford, and Chrysler have formed the U.S. Advanced Battery Consortium to develop a practical battery to meet the short term requirements of the Los Angeles Air Quality Board [AQB] initiative. The AQB initiative requires the use of electric vehicles to comply with strict smog control laws. Starting in 1998, 2 percent of all new cars sold in the State must be electric—roughly 40,000 electric vehicles, that year alone. This requirement grows to 10 percent of all new vehicle sales being electric by 2003—about 200,000 a year.

The cumulative number of electric vehicles, roughly 520,000, constitutes a real, effective market for the electric vehicle industry. In fact, New York, the second largest auto market after California, has also effectively adopted the California standards as of 1993.

The Interior appropriations measure funds advanced battery research at \$55 million. This



is a worthwhile endeavor in that the report language allows small business, such as Eltech in Ohio, to compete with the big three in Michigan for scarce Federal dollars for worthwhile research and development projects.

Eltech's aluminum-air research is near commercial application. I continue to believe the program has excellent long-mission applications. Furthermore, aluminum-air does not produce any environmentally detrimental emissions.

This appropriation is a good bill. I wish to thank the chairman of the Interior Appropriations Subcommittee, Chairman YATES, for all the hard work both he and his staff have put in on this measure, and I urge my colleagues to vote for passage of this legislation.

### CRISIS IN YUGOSLAVIA

The SPEAKER pro tempore. Under a previous order of the House, the gentlewoman from Maryland [Mrs. BENTLEY], is recognized for 60 minutes.

Mrs. BENTLEY. Mr. Speaker, I come to the floor tonight to share with my colleagues my continuing concern about the political crisis in which the nation of Yugoslavia finds herself, and which threatens even within hours to push that nation to the brink of collapse.

As my colleagues know, the Republic of Slovenia has announced its intention to formally secede from Yugoslavia tomorrow. The Republic of Croatia has announced its intention to follow suit within several days.

Mr. Speaker, I cannot emphasize enough how important it is that Yugoslavia remain united during these very difficult and unstable times in Eastern Europe.

As the nations of Western Europe throw down barriers within the context of the EEC, and as the nations of Eastern Europe pull further away from their legacies of economic ruin and political repression under their former Communist overlords, Yugoslavia tonight is moving in a backward direction.

Rather than tearing down barriers and pulling closer together, Yugoslavias republics have come to the brink of cutting even the tenuous ties which continue to bind that nation.

Both the Bush administration, through the personal visit to Belgrade last week of Secretary of State James Baker, and the members of the European Community have warned Slovenia and Croatia that they will find neither diplomatic recognition nor economic assistance following a unilateral decision on their part to quit the Yugoslav system and declare themselves independent.

I credit all those who have been working feverishly over the past several hours and days to impress on the leaders of Slovenia and Croatia just how important a unified Yugoslavia is at this time.

Certainly President Bush and the administration are to be commended for

the very firm position that they have taken on this issue and their valuable contribution to those voices which are calling for Yugoslavia to remain united for the benefit of all of the citizens of that nation.

Also deserving great credit for his leadership and statesmanship during this very difficult period is Yugoslav Prime Minister Ante Markovic. His arguments on behalf of the continued unity of his nation have been both eloquent and persuasive, and certainly his efforts have been one of the few positive signs on the horizon that give many of us hope that Yugoslavia will indeed be able to weather this latest storm.

The fact that Mr. Markovic's ethnicity is Croatian also gives credence to the fact that the issue of the unity of Yugoslavia is not one of Serb interests versus Croat interests or Slovenian interests versus Macedonian interests.

All the people of Yugoslavia, in my opinion, have very high stakes in the nation of Yugoslavia, and perhaps no one has expounded the reasons for this as persuasively as Prime Minister Markovic, and I commend him for his leadership role during this time of crisis.

Because the stakes are indeed so high, I would like to take a brief period of time this evening to share with my colleagues some of the reasons why I think it is so important for Yugoslavia to remain united at this time.

I also will discuss why I strongly believe that the destruction of Yugoslavia at this very crucial time in the history of Eastern Europe is very dangerous, not only for the citizens of Yugoslavia, but for the stability of the entire region as well.

Mr. Speaker, it always has been my personal belief that it is in the best interests of the United States and the West, as well as the people of Yugoslavia, for that nation to remain united in some type of federal structure.

I would note that in addition to this being the strong position of the Bush administration, this view has been shared by United States administrations since the end of World War I actually, which is when the Kingdom of Slovenes, Croates, and Serbs was founded. And it was founded on a voluntary basis, when the Slovenes and the Croates said they wanted to join up then with the Kingdom of Serbia. And also it has been true that this view has been shared since World War II by the European Community as well.

But it is also a view that has come under increasing attack, not only within certain of the Republics of Yugoslavia, but in some international circles as well, especially as the most recent political crisis has worsened.

With the collapse of Communist hegemony in Eastern Europe, a nonaligned Yugoslavia serving as a

buffer between Western Europe and the Warsaw Pact nations no longer has the military and political significance that it once did.

It is my opinion, however, that as Eastern Europe and the Balkans begin to rebuild themselves after more than four decades of Communist mismanagement, the stabilizing force of a united Yugoslavia in the region will be a significant factor to overall stability in that part of the world.

This view is not one which I alone share. In a recent visit to Washington, the speaker of the Greek Parliament shared with me the concerns of his country about how the breakup of Yugoslavia could negatively impact upon the entire region of the world that is already strained from the massive changes it has undergone in such a short period of time.

But even if it were not for the West's security and stability interests in a continued united Yugoslavia, I very much believe that it is very important to the interests of Yugoslavia's citizens to remain united under a single umbrella.

This is true first for economic reasons. An often told joke around Washington is that in 2 years there will be seven nations in Europe; the ECC and the six Republics of Yugoslavia. This joke illustrates a very serious point.

As I mentioned earlier, while the nations of Europe are tearing down barriers and becoming closer economic partners, for the Republics of Yugoslavia to tear ties and move further apart would only work against all of their economic interests.

But the Yugoslav people's interests in a continued united Yugoslavia runs deeper than economic interests. Peoples of the various ethnic groups which comprise Yugoslavia do not all live neatly in territories and republics in which they are the exclusive ethnic group.

Rather, Yugoslavs of various ethnicities are scattered throughout each and every republic that comprises Yugoslavia. Serbs live in Croatia and Bosnia, Croats live in Slovenia and Macedonia, Albanians and Hungarians live in Serbia, and the list goes on.

A mere separation of the various republics will not end the ethnic controversies that plague Yugoslavia at the moment. Rather, it only will worsen the situation for all minorities, since any institution with competence to intervene on their behalf will no longer exist.

Mr. Speaker, it is very clear to me that while there is no easy solution to Yugoslavia's current crisis, one option that is simply no solution at all; namely, the destruction of that country.

Now is the time for all concerned parties who have the future interests of the Yugoslav people at heart, as well as those of us who see Western interests in the region tied to the continued ex-

istence of Yugoslavia, to join Prime Minister Markovic, President Bush, and the leaders of the European Community in giving the Yugoslavs signs of our confidence and support.

This body took a very important step in that direction last week during our consideration of the 1992-93 foreign assistance authorization bill. As my colleagues will recall, we included in that bill very strong language expressing the support of this body for Yugoslavia as a nation and as a federal system.

In that same bill this House rejected amendments offered with the intent of weakening United States commitment to the Yugoslav system and in essence directing the United States to deal with the Yugoslav republics on an individual basis.

This amendment when introduced caused great concern overseas, and I can tell you that the leaders whose efforts President Bush and many of us are supporting in the hopes of keeping Yugoslavia together were truly bolstered by this body's action in rejecting that language.

Again, Mr. Speaker, the House showed great wisdom in rejecting, overwhelmingly rejecting, language labeling the Serbians as the oppressors in Yugoslavia's troubled Province of Kosovo, and that that would appear to be the only area where there are ethnic problems.

This vote, in addition to a similar one during the last Congress, was a clear sign that in this body campaigns of various kinds, including distortion and questionable statement cannot override the truth on issues of historic and human rights significance.

In the final analysis, our actions last week provided the strongest possible support this House could express for Yugoslavia, and I do know that our actions are appreciated by Prime Minister Markovic and are a positive step along this very treacherous road that Yugoslavia is walking in the fight for its survival.

Mr. Speaker, I thank my colleagues for allowing me to share my thoughts on this matter with the House. I know this is a subject about which many of us are concerned, as many personally have expressed those concerns to me.

I am very pleased to have had the opportunity this evening to go on record in reaffirming my support for a decades-old venerable American policy of support for Yugoslavia, a nation which has been a longtime friend of the United States.

#### INTRODUCTION OF LEGISLATION TO HONOR AND ASSIST AMERICAN INDIANS

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from American Samoa [Mr. FALEOMAVAEGA] is recognized for 60 minutes.

Mr. FALEOMAVAEGA. Mr. Speaker, today I have taken out this special order to provide information concerning three pieces of legislation that I have introduced designed to honor and assist the American Indians. I have introduced House Joint Resolution 182 to set aside the month of November to honor the American Indian people. The resolution is a recognition of the achievements of the native Americans as well as their contributions to the foundation and development of America. I have also introduced H.R. 1690 to establish a native American university where young native Americans can pursue a higher education in an environment that is sensitive to their culture and tradition. Mr. Speaker, I have also introduced H.R. 1996 which will provide for the election of four American Indian delegates to the House of Representatives. It will correct an error that has been perpetuated for 200 years and provide the native Americans with direct representation in Congress.

Mr. Speaker, House Joint Resolution 182, a bill designating November 1991, as National American Indian Heritage Month will not make up for the hardships suffered by the American Indians of the past or placate the Indians of the present, and it does not presume to do so. The time is long past for accusations and finger pointing. Our country can never undo the damage it has done to the Indians. We cannot expect to repay the debts of our forefathers. Instead we should focus on establishing a relationship with the Indians based on mutual trust, understanding and acceptance.

The American Indians have much to be honored for. Had it not been for the American Indians, the first Pilgrims would not have survived those first few years. It was through the Indians' knowledge of hunting, fishing, and farming that the first settlers learned to exist in this land, and it was through the generous nature of the Indians that those people were able to make a home on this continent. Our children are taught about the Indians teaching the early settlers how to grow corn and squash, how to fertilize the ground to make it more productive, and how to utilize their crops in many different ways. Many of the social events of the early colonists can be traced to the Indian tribes in the area. Even the first Thanksgiving dinner was a tradition that the Indians had been practicing for many years.

Mr. Speaker, the Revolutionary War would have been much different without the assistance of the Indians. They generously and uninhibitedly shared their knowledge of the land and freely gave advice concerning tactical and military strategies. Without this the Revolutionary War would have been much bloodier and much more tragic than it is recorded.

It was the American Indians who led many troops through the woodlands and forests. It was their knowledge of the terrain that safely guided many of our soldiers through battles over unfamiliar ground. It was the aid and assistance of the American Indians that helped Gen. George Washington and his troops through that terrible winter at Valley Forge; it was the American Indians who brought those men food and medicine to help them survive. It was the American Indians who taught our soldiers warfare tactics and the art of ambush; the American Indians gave us that extra element of surprise that helped us win the War for Independence. It is time to give credit where credit is due, and I hope this bill takes a step in that direction.

Mr. Speaker, the Indians are also largely responsible for many of the principles that founded the Government of our great Nation. The Declaration of Independence and the Constitution contain several of the principles that governed the great Indian confederacies. They believed in a balance of power, a separation of powers as well as government by representation. The American Indian held dear the idea of freedom of speech and the right to peaceably assemble. All of these ideas and principles were incorporated into the political and social systems of various American Indian nations.

In the 1500's an Indian of the Huron Tribe named Deganawidah had a dream about a wonderful tree, the tree of "great peace." The roots of the tree were made up of the Mohawk, Onondaga, Cayuga, Seneca, and Oneida Tribes. Deganawidah traveled among the tribes and told them of his dream. Although the tribes were not on friendly terms they all realized the wisdom behind the tree of "great peace." Because each of these tribes had fallen victim to larger neighboring tribes, they recognized the protection that could be found in unifying their powers. Thus, almost 300 years before the establishment of the U.S. Constitution, the Iroquois Nation was formed. This nation was a democracy with an oral constitution and a governing council made up of representatives from each individual tribal state.

In 1744, at a meeting of the Iroquois council. The great Chief Cansatego advised the Virginia Colonial Governor:

Our wise forefathers established union and amity between five nations. This has given us great weight and authority with our neighboring nations and by observing the same methods our wise forefathers have taken. You will acquire such strength and power.

This democracy that we as Americans take so much pride in is a direct result of the previously successful model of the Iroquois confederacy. American ideals are rooted deeply in the ideas of the enlightenment with



philosophers the like of John Locke and John Stuart Mill. Let us give credit to the Indian people who had parallel ideas hundreds of years before. Let us give them a part of the homage we pay to the European and Greek philosophers credited with developing the idea of democracy.

Mr. Speaker, the American Indian can lay claim to many of the medicinal cures in modern medicine. Many of the herbs and roots used by Indian healers are still used as the basis of some of the medical advancements to our modern world.

Mr. Speaker, American Indians have played a key role in the defense of this Nation. Since the time of the Revolutionary War the Indians have served this country. Whenever the call has gone out to help defend this Nation and all that it stands for, American Indians have answered that call in a far greater percentage than most other segments of our country. In World War II the Navajo Code Talkers were used to transmit messages in their own language which contributed to the secrecy of American military operations. Jack Montgomery, a Cherokee, and Ernest Childers, a Creek, both of the famous Thunderbird Division, were awarded the Congressional Medal of Honor in Europe. Ira Hayes, a marine from the Pima Tribe, helped raise the flag at Iwo Jima. An Osage from the Army Air Corps, Gen. Clarence Tinker, died in the Pacific, and Brummett Echohawk from the Pawnee used his expertise to train commandos in hand-to-hand combat.

The American flag that symbolizes freedom and hope, the emblem of all we cherish as a nation, has covered countless caskets containing the remains of American Indians who have died to protect the land that was once theirs. American Indians have died to defend the rights and freedoms that they held so dear in the hope that those rights and freedoms would one day be extended without hesitation to them. Can we continue to deny them the honor they deserve?

Mr. Speaker, the Indians today are faced with a generation of youth dealing with a serious identity crisis. Young American Indians are having difficulty defining who and what they are. They are faced with a culture that is slowly being overtaken by the modern world yet they can find no acceptance in a world that has for so long ignored them. Young Indians today are faced with declining cultures and a stereotype of all Indians as savage and bloodthirsty. Designating November as National American Indian Heritage Month will help to restore some measure of pride and identity to these young people. It will provide the recognition that every young child is hungry for.

By setting aside a special time to honor American Indians and their cul-

ture. We will be letting the young Indians of today know that we as a nation honor their heroes and their accomplishments. We can help provide the young people with the hope to aspire to higher and more ambitious goals. We can help them find the courage to achieve their goals and in turn add their contribution to the needs of mankind.

Mr. Speaker, I firmly believe that by doing this we will be able to let future generations of American Indians know that we respect who they are. That we take pride in their contributions and we can give back to them what history has tried to deny them. Their great cultural heritage and history.

National American Indian Heritage Month will also provide an opportunity for non-Indians to better understand these people who have been a mystery for so long. It is time we faced up to our conscience and recognize the American Indians for what they are: an honorable people who have long been misunderstood, a people who desire to partake of the same freedoms we enjoy, a people who want to live in peace with the land and their surroundings, a people who are humble and are struggling to retain the identity that has been taken away from them, and above all a people who laugh and love just as we do.

In a book entitled, "Custer Died for Your Sins," Mr. Vine Deloria, Jr., explains the Indian dilemma. Mr. Speaker, I would like to share a quote from this book:

The deep impression made upon American minds by the Indian struggle of the last century has made the contemporary Indian somewhat invisible compared with his ancestors. \* \* \* Indians are probably invisible because of the tremendous amount of misinformation about them. Most books about Indians cover some abstract and esoteric topic of the last century. Contemporary books are predominantly by whites trying to solve the "Indian problem". Between the two extremes lives a dynamic people in a social structure of their own, asking only to be freed from cultural oppression.

Mr. Speaker, it is time that we recognize that the American Indian is different, not inferior or superior, but different. Once again quoting from Mr. Deloria's book:

One of the foremost differences separating white and Indian was simply one of origin. Whites derived predominately from western Europe. The earliest settlers on the Atlantic seaboard came from England and the low countries. For the most part they shared the common experiences of their people and dwelt within the world view which had dominated western Europe for over a millennium.

Conversely Indians had always been in the Western Hemisphere. Life on this continent and views concerning it were not shaped in a post-Roman atmosphere. The entire outlook of the people was one of simplicity and mystery, not science or abstraction. The Western Hemisphere produced wisdom: Western Europe produced knowledge.

Perhaps this distinction seems too simple to mention. It is not. Many is the time I

have sat in congressional hearings and heard the chairman of the committee crow about "our" great Anglo-Saxon heritage of law and order. Looking about the hearing room I saw row after row of full-blood Indians with blank expressions on their faces. As far as they were concerned, Sir Walter Raleigh was a brand of pipe tobacco that you got at the trading post.

When we talk about European background, we are talking about feudalism, kings, queens, their divine right to rule their subjects, the Reformation, Christianity, the Magna Carta and all of the events that make up European history.

American Indians do not share that heritage. They do not look wistfully back across the seas to the old country. The Apache were not a Runnymede to make King John sign the Magna Carta. The Cherokee did not create English common law. The Pima had no experience with the rise of capitalism and industrialism. The Blackfeet had no monasteries. No tribe has an emotional, historical, or political relationship to events of another continent and age.

Indians have had their own political history which has shaped the outlook of the tribes. There were great confederacies throughout the country before the time of the white invader. The eastern Iroquois formed a strong league because as single tribes they had been weak and powerless against larger tribes. The Deep South was controlled by three confederacies: The Creeks with their town system, the Natchez, and the Powhatan confederation which extended into tidelands Virginia. The Pequots and their cousins the Mohicans controlled the area of Connecticut, Massachusetts, Rhode Island, and Long Island.

True Democracy was more prevalent among Indian tribes in pre-Columbian days than it has been since. Despotic power was abhorred by tribes that were loose combinations of hunting parties rather than political entities.

Conforming their absolute freedom to fit rigid European political forms has been every difficult for most tribes, but on the whole they have managed to make the change with varying degrees of success. Under the Indian Reorganization Act, Indian people have generally created a modern version of the old tribal political structure and yet have been able to develop comprehensive reservation programs many of which compare favorably with governmental structures anywhere.

Mr. Speaker, before we can coexist peacefully we need to recognize and accept the fact that the Indians have a different origin and realize that this difference does not make their customs and beliefs wrong. Once we can accept this fact we can come to the point where we realize that we are all members of the human race. Let us give the American Indian a reason to hold on to the hope that they will one day live in peace and harmony with themselves and with their non-Indian brothers and sisters. The Indian culture is one that we have not understood and it is time that we acknowledge that fact.

The proposed Native American Indian Heritage Month is an attempt to acknowledge the Indians and their contributions to the legacy that is America. It is an attempt to restore the Indian heritage to its rightful place in

American history. House Joint Resolution 182 proposes to set aside the month of November to commemorate the achievements of the Indians, both past and present. November is the month that concludes the traditional harvest season of the American Indians and was generally a time of celebration and thanksgiving. With the approach of the 500th anniversary of the arrival of Columbus in the Western Hemisphere, National American Indian Heritage Month provides an opportunity for the people of the United States to consider and reflect upon our Nation's relationship with the American Indians of today.

Mr. Speaker, it is time that we pay attention to the educational needs of the American Indians. It is time to notice the 43-percent high school graduation rate and the underrepresentation of American Indians in institutions of higher education. It is time for this country to do something about it.

American Indians have a 45-percent poverty rate and a 35-percent unemployment rate. They have chronic problems with drugs and alcohol. The rate of teen-age pregnancy in many Indian communities exceeds the rate at the national level. How much longer can we let this tragedy continue? I firmly believe that the American Indians can pull themselves out of their problems if given the right opportunities. Higher education is the most important of these opportunities.

Currently there are 24 tribally operated community colleges in the United States. These 24 colleges have a population of approximately 2 million native Americans to educate. By contrast the black community in this country has at its disposal over 160 colleges and universities.

Mr. Speaker, we often hear that Indians have a negative attitude toward education, and indeed to many they would seem to be apathetic at best. I submit that the educational needs of American Indians are different from those of mainstream society because of their cultural background. Most of the efforts being made today to educate the American Indians compromise or contradict traditional cultural values. Many students of BIA-funded schools do not speak English as their first language. Many come from some environments where poverty and joblessness are pervasive.

Mr. Speaker, with a history like this there is little incentive for native American youth to pursue an education. A more positive perspective toward education needs to be created. The American Indians need to have access to an educational system that conforms to and enhances their way of life. Increased autonomy over the tribal schools is one step toward realizing this goal. The establishment of a national American Indian university is another.

The American Indians need direct control over educational institutions serving their children. They want some method of strengthening the partnership between communities and educational systems. We need to encourage the continuing education of native Americans by establishing a link between native American culture and education. In every instance where this link has been established. The results have been successful. A 1989 issue of education week provides the following:

In the mid-1800's \* \* \* the Choctaws of Mississippi and Oklahoma had supervised a system of about 200 schools and academies. The Cherokee of Oklahoma, using an alphabet developed by the tribal leader Sequoyah, achieved a literacy rate of 90 percent during the 1850's.

In 1979, the Zuni Tribe in New Mexico concluded a decade-long study that found more than 40 percent of school-age children were not enrolled in school. That same year, Zuni high school graduated recorded average scores just above the 8th grade level on the State's comprehensive test of basic skills.

Ten years later, Superintendent Hayes Lewis of the Zuni Public Schools proudly cites an annual dropout rate of only 3 percent and a 34-percent college-attendance rate among 1988's high school graduates.

He attributes the turnaround to the tribe's decision to break away from a large public-school district and establish its own reservationwide district.

Mr. Speaker, the combination of culture and education really do work; however, the native Americans need the proper funding to institute such changes. Although there exist 24 tribally operated colleges, they are grossly underfunded and are struggling to meet the educational needs of native American students.

By establishing a national American Indian university we can encourage native Americans to further their education by offering a unique program of study that will not only enhance their self-esteem but break through the barriers and social obstacles that they have been faced with.

Mr. Speaker, I believe that the native American university would also help promote America's appreciation of native American cultural and social values. An institution of this kind would give young native Americans a place to learn without giving up their identities and would help them develop pride in their rich and unique cultural heritage. A native American university would help to correct the underrepresentation of the American Indians in the arena of higher education.

To this end, I have introduced legislation to establish a native American university. H.R. 1690 is an attempt to ameliorate the problems faced by the native American youth. A board of trustees is to be appointed by the Secretary of the Interior to staggered 4-year terms. The university is to provide a focal point at which native Americans could pursue higher degrees within the context of a system which

would promote a strong cultural identity. The autonomy of the board of directors will contribute to an educational curriculum that takes into account the unique cultural background of its students.

The Secretary of the Interior shall designate a site that meets with the consent of the board of directors. The land shall be located within the continental United States in an area that provides the maximum opportunity for native Americans to attend. I am proposing that \$30 million be appropriated for fiscal year 1993 and \$20 million for each of the 5 succeeding fiscal years.

Mr. Speaker, I believe that we have come to the point where we need to address the issue of Indian representation in Congress. The great Indian confederacies utilized the principle of representation in their governing bodies. The larger nations were made up of a union of smaller States. Each State had representatives in the governing council. For 200 years the native American people have not had direct representation in Congress and it is time that this mistake was rectified.

Since 1794 there have been many nonvoting delegates to Congress from various territories or possessions. Arthur St. Clair, former president of the Continental Congress and Governor of the Northwest Territory in 1799, described the role of these delegates.

This is, gentlemen, a right of no small consequence. For there are many matters of considerable importance to the people that must come before and be decided on by Congress, and can only be advantageously brought forward and managed by their delegate, who although he will have no vote, will not be without influence. And, for the members unacquainted with our circumstances, will naturally be resorted to; and he will have an equal right with the members of the States that compose the Union to propose for their consideration any law that may appear to be useful to the Nation or to the territory.

In the treaties with the Delaware Nation in 1778 and with the Cherokee people in 1785, provisions were made for Indian delegates to Congress. These provisions were never implemented. The native Americans need to be provided with a voice in this venerable body. They need to be provided with the means to have their concerns heard and their needs met.

Mr. Speaker, H.R. 1996 will provide for the election of four American Indian delegates to the House of Representatives. These representatives shall be selected on a basis as determined by the Secretary of the Interior. The individuals shall meet all the qualifications necessary for being a Member of this body as well as being enrolled members of an Indian tribe recognized by the Federal or a State Government. With representation in Congress, I believe that the Congress will be better able to provide more appropriate legislation to meet the needs of this long neglected society. We need to involve the Indians more before we legislate to solve their problems.



## LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. RHODES (at the request of Mr. MICHEL) for today and the balance of the week on account of illness in the family.

## SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mrs. BENTLEY) to revise and extend their remarks and include extraneous material:)

Mr. BURTON of Indiana, for 60 minutes each day, on July 8, 9, 12, 15, 19, 22, 23, 24, 25, 26, 29, 30, and 31.

Mr. GUNDERSON, for 5 minutes, today.

Mr. MCEWEN, for 5 minutes, today.

Mr. MACHTLEY, for 60 minutes, on July 9.

Mrs. BENTLEY, for 60 minutes each day on July 9, 10, 11, 16, 17, and 18.

(The following Members (at the request of Mrs. MINK) to revise and extend their remarks and include extraneous material:)

Mr. ECKART, for 5 minutes, today.

Mr. ANNUNZIO, for 5 minutes, today.

Mr. MARTINEZ, for 60 minutes, on June 26.

Mr. OBERSTAR, for 60 minutes, on June 28.

Mr. RUSSO, for 60 minutes each day, on July 9, 10, 16, 17, 23, 24, 30, and 31.

Mr. FALEOMAVAEGA, for 60 minutes each day, on June 26 and 27.

## EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. DE LUGO, during debate on H.R. 2686 in the Committee of the Whole today.

(The following Members (at the request of Mrs. BENTLEY) and to include extraneous matter:)

Mr. GILMAN.

Mr. WELDON in two instances.

Ms. ROS-LEHTINEN.

Mr. BROOMFIELD in two instances.

Mr. GOODLING.

Mr. RHODES.

Mr. GINGRICH.

Mr. YOUNG of Alaska.

Mr. WYLIE.

Mr. LEWIS of California.

Mr. THOMAS of California.

Mr. FAWELL.

Mr. SOLOMON in two instances.

Mr. BLAZ.

Mr. RITTER.

Mr. SMITH of New Jersey.

Mr. MILLER of Washington.

(The following Members (at the request of Mrs. MINK) and to include extraneous matter:)

Mr. MATSUI in four instances.

Mr. KILDEE in two instances.

Mr. MARKEY.

Mr. RAHALL in two instances.

Mr. VISCLOSKEY.

Mr. EDWARDS of California.

Mr. SIKORSKI.

Mr. LEHMAN of California.

Mr. DOWNEY.

Mr. HOYER.

Mr. HOCHBRUECKNER.

Mr. RICHARDSON.

Mrs. BOXER.

Mr. KOSTMAYER.

Mr. WEISS.

Ms. NORTON.

Mrs. COLLINS of Illinois.

Mr. DONNELLY.

Mr. PEASE.

Mr. HUBBARD.

## SENATE BILL REFERRED

A bill of the Senate of the following title was taken from the Speaker's table and, under the rule, referred as follows:

S. 1106. An Act to amend the Individuals With Disabilities Education Act to strengthen such act, and for other purposes; to the Committee on Education and Labor.

## ADJOURNMENT

Mr. FALEOMAVAEGA. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 9 o'clock and 40 minutes p.m.), the House adjourned until tomorrow, Wednesday, June 26, 1991, at 10 a.m.

EXECUTIVE COMMUNICATIONS,  
ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

1616. A letter from the Secretary of Agriculture, transmitting a draft of proposed legislation to amend the act of August 30, 1890 and the act of March 4, 1907 to eliminate the provisions for permanent annual appropriations to support land grant university instruction in the food and agricultural science; to the Committee on Agriculture.

1617. A letter from the Department of Defense, transmitting an assessment by an organization outside the Department of the staff requirements of the Assistant Secretary of Defense for Special Operations and Low Intensity Conflict; to the Committee on Armed Services.

1618. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-46, "Closing of Public Alleys in Square 569, S.O. 89-22, Act of 1991", and Report, pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1619. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-45, "Real Property Clarification Temporary Amendment Act of 1991", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1620. A letter from the Chairman, Council of the District of Columbia, transmitting a

copy of D.C. Act 9-44, "Sursum Corda Cooperative Association, Inc., Temporary Act of 1991", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1621. A letter from the Chairman, Council of the District of Columbia, transmitting a copy of D.C. Act 9-43, "Omnibus Budget Support Temporary Act of 1991", pursuant to D.C. Code section 1-233(c)(1); to the Committee on the District of Columbia.

1622. A letter from the Assistant Secretary of State for Legislative Affairs, transmitting copies of the original report of political contributions of Frank G. Wisner, of the District of Columbia, career member of the Senior Foreign Service, class of Minister-Counselor, to be Ambassador Extraordinary and Plenipotentiary of the United States to the Republic of the Philippines, and members of his family, pursuant to 22 U.S.C. 3944(b)(2); to the Committee on Foreign Affairs.

1623. A letter from the Department of State, transmitting a report pursuant to 22 U.S.C. 4831; to the Committee on Foreign Affairs.

1624. A letter from the Western Farm Credit Bank, transmitting the annual report for the Eleventh Farm Credit District Employee's Retirement Plan, including the financial report, pursuant to 31 U.S.C. 9503(a)(1)(B); to the Committee on Government Operations.

1625. A letter from the Administrator, General Services Administration, transmitting a copy of a prospectus for the proposed leasing of One Judiciary Square, 441 Fourth Street NW, Washington, DC, for the Department of Justice, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1626. A letter from the Administrator, General Services Administration, transmitting copies of prospectuses proposing building projects, pursuant to 40 U.S.C. 606(a); to the Committee on Public Works and Transportation.

1627. A letter from the Acting Under Secretary, Department of Defense, transmitting the report on Department of Defense Procurement from Small and Other Business Firms for the period October 1990 through March 1991, pursuant to 15 U.S.C. 639(d); to the Committee on Small Business.

1628. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of the Mongolian People's Republic; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Mongolian People's Republic, pursuant to 19 U.S.C. 2437(a) (H. Doc. No. 102-104); to the Committee on Ways and Means and ordered to be printed.

1629. A communication from the President of the United States, transmitting a copy of a proclamation that extends nondiscriminatory treatment to the products of the Republic of Bulgaria; also enclosed is the text of the "Agreement on Trade Relations Between the Government of the United States of America and the Government of the Republic of Bulgaria, pursuant to 19 U.S.C. 2437(a) (H. Doc. No. 102-105); to the Committee on Ways and Means and ordered to be printed.

1630. A letter from the Secretary of Health and Human Services, transmitting a draft of proposed legislation to amend the Social Security Act and the Internal Revenue Code of 1986 to make changes related to the old-age, survivors, and disability insurance program and the supplemental security income pro-

gram, and for other purposes; to the Committee on Ways and Means.

1631. A letter from the Secretary of Veterans Affairs, transmitting a draft of proposed legislation to amend section 3413 of title 12, United States Code, to add an exception authorizing financial institutions to disclose to the Department of Veterans Affairs the names and current addresses of their customers who are receiving payments, by direct deposit of electronic funds transfer into their accounts, of compensation, dependency and indemnity compensation, or pension benefits under title 38, United States Code; jointly, to the Committees on Banking, Finance and Urban Affairs and Veterans' Affairs.

1632. A letter from the Director, Office of National Drug Control Policy, transmitting a draft of proposed legislation to expand the Nation's drug treatment capacity, promote drug-free and safe schools, require statewide drug abuse prevention and treatment plans, and ensure that new Federal grant dollars provided for treatment services do not displace State dollars; jointly, to the Committees on Energy and Commerce and Education and Labor.

1633. A letter from the Secretary of State, transmitting the administration's views on China's human rights, proliferation and trade practices; jointly, to the Committees on Ways and Means and Foreign Affairs.

#### REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. MONTGOMERY: Committee on Veterans' Affairs. H.R. 2280. A bill to amend title 38, United States Code, to extend and improve veterans' health care programs; with amendments (Rept. 102-130). Referred to the Committee of the Whole House of the State of the Union.

Mr. BROWN: Committee on Science, Space, and Technology. H.R. 2282. A bill to amend the National Science Foundation Authorization Act of 1988, and for other purposes; with an amendment (Rept. 102-131). Referred to the Committee of the Whole House on the State of the Union.

#### PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARDIN:

H.R. 2742. A bill to amend the Internal Revenue Code of 1986 to simplify the application of the tax laws with respect to employee benefit plans, and for other purposes; to the Committee on Ways and Means.

By Mr. GILMAN (for himself, Mr. SOLOMON, Ms. PELOSI, and Ms. SLAUGHTER of New York):

H.R. 2743. A bill to amend the Tariff Act of 1930 to require the Secretary of the Treasury to impose civil penalties for the importation or transportation of goods made in a foreign country with the use of forced labor, and for other purposes; jointly, to the Committees on Ways and Means, the Judiciary, and Energy and Commerce.

By Mr. GILMAN (for himself, Mr. SOLOMON, Ms. PELOSI, and Ms. SLAUGHTER of New York, and Mr. HALL of Ohio):

H.R. 2744. A bill to prohibit the entry into the United States of items produced, grown, or manufactured in the People's Republic of China with the use of forced labor; jointly, to the Committees on Ways and Means and Foreign Affairs.

By Mr. BURTON of Indiana:

H.R. 2745. A bill to amend the Airport and Airway Improvement Act of 1982 to authorize reimbursement of certain expenditures by operators of privately owned reliever airports; to the Committee on Public Works and Transportation.

By Mrs. COLLINS of Illinois (for herself, Mr. KOSTMAYER, and Mr. TORRES):

H.R. 2746. A bill to develop, assist, and stabilize recycling markets; to the Committee on Energy and Commerce.

By Mr. GONZALEZ (for himself and Mr. WYLIE (both by request), and Mrs. ROUKEMA):

H.R. 2747. A bill to improve the supervision and regulation with respect to financial safety and soundness of the Federal National Mortgage Association and the Federal Home Loan Mortgage Corporation and for other purposes; to the Committee on Banking, Finance and Urban Affairs.

By Mr. DONNELLY:

H.R. 2748. A bill to amend the Internal Revenue Code of 1986 to require recomputations of depreciation determined under the income forecast method, and for other purposes; to the Committee on Ways and Means.

By Mr. GOODLING:

H.R. 2749. A bill to amend the Urban Mass Transportation Act of 1964 to authorize the Secretary of Transportation to make grants for the provision of transportation to individuals with disabilities who hold jobs or are seeking jobs in typical work environments; to the Committee on Public Works and Transportation.

By Mr. PANETTA:

H.R. 2750. A bill to improve the management of the Federal Government by establishing an Office of Federal Management in the Executive Office of the President, and for other purposes; to the Committee on Government Operations.

By Mr. GUNDERSON:

H.R. 2751. A bill to establish the National Commission on American Labor Law; to the Committee on Education and Labor.

By Mr. JONES of North Carolina:

H.R. 2752. A bill to transfer certain lands placed within the Cape Hatteras National Seashore because of an erroneous survey to those individuals claiming the lands; to the Committee on Interior and Insular Affairs.

By Mr. KOLTER:

H.R. 2753. A bill to amend the Motor Vehicles Information and Cost Savings Act to require that passenger motor vehicle repair businesses supply customers with information respecting the origin of parts installed and the cost of available parts, and for other purposes; to the Committee on Energy and Commerce.

By Mr. LEACH (for himself and Mr. PENNY):

H.R. 2754. A bill to amend the Agricultural Act of 1949 to modifying its haying and grazing provisions; to the Committee on Agriculture.

By Mr. MARKEY (for himself, Mr. SOLOMON, Mr. WOLPE, and Mr. STARK):

H.R. 2755. A bill to amend the Atomic Energy Act of 1954 to restrict exports of nuclear

items to nonnuclear weapon states, and for other purposes; jointly, to the Committees on Foreign Affairs and Ways and Means.

By Mr. MINETA (for himself, Mr. WHITTEN, Mr. MCDADE, and Mr. CLAY):

H.R. 2756. A bill to authorize the Board of Regents of the Smithsonian Institution to plan and design and extension of the National Air and Space Museum to be located at Washington Dulles International Airport, and for other purposes; to the Committee on House Administration.

By Mr. MINETA (for himself, Mr. WHITTEN, and Mr. MCDADE):

H.R. 2757. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire land for watershed protection at the Smithsonian Environmental Research Center, and for other purposes; to the Committee on House Administration.

H.R. 2758. A bill to authorize the Board of Regents of the Smithsonian Institution to acquire an administrative service center, and for other purposes; jointly, to the Committees on House Administration and Public Works and Transportation.

By Mr. MOODY (for himself, Mrs. JOHNSON of Connecticut, Mr. OBEY, Mr. FRANK of Massachusetts, and Mr. ATKINS):

H.R. 2759. A bill to condition the extension of nondiscriminatory (MFN) treatment to China in 1992 upon the determination that the Government of that country does not support or administer programs of coercive abortion or involuntary sterilization; to the Committee on Ways and Means.

By Mr. MOODY (for himself and Mr. GUNDERSON):

H.R. 2760. A bill to amend the Internal Revenue Code of 1986 to provide an exception from the early distribution penalty for any qualified retirement plan distribution which is required on account of financial hardship; to the Committee on Ways and Means.

By Mr. MRAZEK (for himself and Mr. TORRICELLI):

H.R. 2761. A bill to establish a National Magnetic Levitation Design Program, and for other purposes; jointly, to the Committees on Public Works and Transportation, Energy and Commerce, and Science, Space, and Technology.

By Mr. PEASE:

H.R. 2762. A bill to direct the Secretary of Defense to give priority to the Federal Bureau of Prisons in transferring real property or facilities at military installations being closed or realigned; jointly, to the Committees on Armed Services, Government Operations, and the Judiciary.

By Mr. RAHALL (for himself, Mrs. VUCANOVICH, Mr. BREWSTER, and Mr. MCCURDY):

H.R. 2763. A bill to enhance geologic mapping of the United States, and for other purposes; to the Committee on Interior and Insular Affairs.

By Mr. RAMSTAD:

H.R. 2764. A bill to amend the Fair Labor Standards Act of 1938 to provide that an employee shall not be paid overtime compensation for overtime hours worked without authorization; to the Committee on Education and Labor.

By Mr. RAMSTAD (for himself, Mr. DUNCAN, Mr. BARNARD, Mr. HORTON, Mr. RITTER, Mr. CAMP, Mr. MACHTLEY, Mr. TAYLOR of Mississippi, Mr. REGULA, Mr. HOCHBRUECKNER, and Mr. SANTORUM):

H.R. 2765. A bill to amend the Internal Revenue Code of 1986 to allow taxpayers to des-



ignate \$1 of their income tax liability and some or all of their income tax refunds, and to contribute additional amounts, to be used for purposes of financing drug abuse education programs; to the Committee on Ways and Means.

By Mr. SENSENBRENNER:

H.R. 2766. A bill to amend the Internal Revenue Code of 1986 to exclude from the Social Security tax on self-employment income certain amounts received by insurance salesmen after retirement; to the Committee on Ways and Means.

By Mr. SMITH of New Jersey (for himself, Mr. DRIER of California, and Mr. SAXTON):

H.R. 2767. A bill to amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980 (Superfund) to provide that municipalities and other persons shall not be liable under that act for the generation or transportation of municipal solid waste; to the Committee on Energy and Commerce.

By Mr. THOMAS of California (for himself, Mr. MATSUI, Mr. HERGER, Mr. MINETA, Mr. JACOBS, Mr. VANDER JAGT, Mr. SUNQUIST, and Mr. McGRATH):

H.R. 2768. A bill to amend the Internal Revenue Code of 1986 to provide for fair treatment of small property and casualty insurance companies; to the Committee on Ways and Means.

By Mr. WALKER:

H.R. 2769. A bill to suspend temporarily the duty on certain mounted television lenses; to the Committee on Ways and Means.

By Mr. BROWN (for himself, Mr. MONTGOMERY, Mr. HAMMERSCHMIDT, Mr. HUNTER, Mr. MAVROULES, Mr. HORTON, Mr. BILIRAKIS, Mr. JONTZ, Mr. PERKINS, Mr. HARRIS, Mr. ABERCROMBIE, Mr. REED, Mr. BEVILL, Mr. POSHARD, Mr. SWETT and Mr. GUARINI):

H.J. Res. 280. Joint resolution to designate the week beginning November 10, 1991, as "Hire a Veteran Week"; to the Committee on Post Office and Civil Service.

By Mr. GEPHARDT (for himself and Mr. MICHEL) (both by request):

H.J. Res. 281. Joint resolution approving the extensions of nondiscriminatory treatment with respect to the products of the Mongolian People's Republic; to the Committee on Ways and Means.

H.J. Res. 282. Joint resolution approving the extension of nondiscriminatory treatment with respect to the products of the People's Republic of Bulgaria; to the Committee on Ways and Means.

By Mr. HYDE:

H.J. Res. 283. Joint resolution to designate the week beginning June 21, 1992, as "Child Support Enforcement Awareness Week"; to the Committee on Post Office and Civil Service.

By Mr. MARKEY:

H.J. Res. 284. Joint resolution to designate the second week in April as "National Public Safety Telecommunicators Week"; to the Committee on Post Office and Civil Service.

By Mr. ZIMMER (for himself, Mr. ALLARD, Mr. ARMEY, Mr. GOSS, Mr. HOBSON, Mr. HOLLOWAY, Mr. LIVINGSTON, Mr. RAMSTAD, Mr. SANTORUM, Mr. SAXTON, and Mr. ZELIFF):

H.J. Res. 285. Joint resolution proposing an amendment to the Constitution to provide for a balanced budget for the U.S. Government and for greater accountability in the enactment of tax legislation and to allow an item veto of appropriation bills; to the Committee on the Judiciary.

By Mr. SOLOMON:

H. Res. 183. Resolution providing for the consideration of the bill (H.R. 1400) the "Comprehensive Violent Crime Control Act of 1991"; to the Committee on Rules.

H. Res. 184. Resolution commending the Reserve components of the U.S. Armed Forces who were called to active duty within the United States during the Persian Gulf conflict; to the Committee on Armed Services.

## MEMORIALS

Under clause 4 of rule XXII, memorials were presented and referred as follows:

202. By the SPEAKER: Memorial of the Senate of the State of Maine, relative to the Centers for Disease Control's surveillance definition of AIDS be revised and expanded; to the Committee on Energy and Commerce.

203. Also, memorial of the Senate of the State of Maine, relative to Federal funding for family planning; to the Committee on Energy and Commerce.

## ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 25: Mr. ESPY, Mr. MORRISON, and Mr. OLIN.

H.R. 50: Mr. ABERCROMBIE, Mr. ANDERSON, Mr. AU COIN, Mr. BERMAN, Mr. BONIOR, Mrs. COLLINS of Illinois, Mr. COX of Illinois, Mr. DEFAZIO, Mr. DELLUMS, Mr. DIXON, Mr. DYMALLY, Mr. FAZIO, Mr. FOGLIETTA, Mr. FRANK of Massachusetts, Mr. GLICKMAN, Mr. GONZALEZ, Mr. JOHNSTON of Florida, Mr. LEHMAN of Florida, Ms. NORTON, Mr. PANETTA, Ms. PELOSI, Mr. RAHALL, Mr. RANGEL, Mr. STUDDS, Mr. TOWNS, Mrs. UNSOELD, Mr. WAXMAN, Mr. WOLPE, and Mr. YATES.

H.R. 74: Mr. BONIOR, Mr. DWYER of New Jersey, and Mr. WILSON.

H.R. 118: Mr. LEHMAN of Florida and Mr. KOSTMAYER.

H.R. 148: Mr. FEIGHAN, Mr. HOYER, and Mr. WOLF.

H.R. 150: Mr. SHAW.

H.R. 261: Mr. LUKEN, Mr. OBERSTAR, Mr. MACHTLEY, Mr. COLEMAN of Texas, Mr. HALL of Ohio, Mr. SHARP, Mr. McMILLEN of Maryland, Mr. GOSS, Mr. WYLIE, Mr. SAXTON, Mr. BRYANT, Mr. LEWIS of Florida, Mrs. MINK, Mr. PEASE, Mr. ANDREWS of Maine, Mrs. SCHROEDER, Mr. GILMAN, Mr. GEJDENSON, and Mr. SMITH of New Jersey.

H.R. 319: Mr. BONIOR.

H.R. 330: Mr. FRANK of Massachusetts and Mr. CLAY.

H.R. 415: Mr. GINGRICH.

H.R. 446: Mr. NEAL of North Carolina and Mr. MARKEY.

H.R. 585: Ms. NORTON.

H.R. 710: Mr. JEFFERSON, Mr. DUNCAN, Mr. REED, Mr. JACOBS, Mr. HYDE, Mr. PAXON, Mr. CHAPMAN, and Mr. PETERSON of Florida.

H.R. 763: Mr. ESPY and Mr. FOGLIETTA.

H.R. 793: Mr. MAVROULES, Mr. WILSON, Mr. SOLARZ, Mr. KOLBE, Mr. DE LA GARZA, Mr. YOUNG of Alaska, Mr. TOWNS, Mr. MCEWEN, Mr. OBERSTAR, Mr. HOUGHTON, Mr. CARDIN, Mr. ANNUNZIO, and Mr. KILDEE.

H.R. 800: Mr. RANGEL, Mr. DELLUMS, Mr. SERRANO, Mr. WAXMAN, Mr. SYNAR, Mr. OWENS of New York, Mr. DWYER of New Jersey, Mr. WISE, Mr. ROE, Mr. TORRES, Mr. LANCASTER, Mr. RAVENEL, Mrs. LLOYD, Mrs. LOWEY of New York, Mr. CHAPMAN, and Mr. FASCELL.

H.R. 840: Mrs. COLLINS of Illinois, Mr. WISE, Mr. SAWYER, Mr. ECKART, Mr. MCEWEN, Mr. AU COIN, Mr. GORDON, and Mr. MOLLOHAN.

H.R. 888: Mr. DELLUMS.

H.R. 944: Mr. KANJORSKI and Mr. ZIMMER.

H.R. 1031: Mr. RAMSTAD.

H.R. 1084: Ms. NORTON and Mr. COX of California.

H.R. 1115: Mr. KOPETSKI and Mr. LIPINSKI.

H.R. 1145: Mr. MILLER of California.

H.R. 1184: Mr. HANSEN.

H.R. 1188: Mr. WOLPE.

H.R. 1197: Mr. COLEMAN of Texas, Mr. DERRICK, Mrs. LOWEY of New York, Mr. McGRATH, Mr. RAY, Mr. REED, Mr. ROSE, and Ms. SLAUGHTER of New York.

H.R. 1216: Mr. MARKEY.

H.R. 1241: Mr. BAKER, Mr. TRAFICANT, Mr. WASHINGTON, and Mr. WYLIE.

H.R. 1277: Mr. JONES of North Carolina, Mr. ROSE, Mr. CAMPBELL of Colorado, Mr. VALENTINE, Mr. STALLINGS, Mr. COBLE, Mr. ALEXANDER, Mr. BUSTAMANTE, Mr. PURSELL, Mr. LAUGHLIN, Mr. LEHMAN of California, Mr. GAYDOS, and Mrs. MINK.

H.R. 1300: Mr. RAHALL.

H.R. 1348: Mrs. MORELLA, Mr. ESPY, Mr. PACKARD, Mr. GALLEGLY, Mr. BERMAN, Mr. NAGLE, Mr. BARNARD, Mr. HATCHER, Mr. LEWIS of Georgia, Mr. KOPETSKI, and Mr. SCHIFF.

H.R. 1406: Mr. MRAZEK, Mr. STAGGERS, Mr. MARLENEE, Mr. MORRISON, Mr. HOBSON, Mr. YOUNG of Florida, Mr. SHAW, Mr. FISH, Mr. NATCHER, Ms. OAKAR, Mr. KOSTMAYER, and Mr. MURPHY.

H.R. 1430: Mr. MORAN and Mr. OLVER.

H.R. 1450: Mr. WALSH, Mr. LaROCCO, Mr. SMITH of Texas, Mr. PRICE, and Mr. FLAKE.

H.R. 1515: Mrs. LOWEY of New York, Mr. EVANS, Ms. SLAUGHTER of New York, Mr. MACHTLEY, Mr. ZIMMER, Mr. MILLER of Washington, Mr. GRANDY, Mr. DE LUGO, Mr. CARPER, Mr. OWENS of New York, Mr. DORNAN of California, Mr. HORTON, Mr. NAGLE, Mr. FASCELL, Mr. JACOBS, Mr. RICHARDSON, Mr. STALLINGS, Mr. LANCASTER, Mr. LIGHTFOOT, and Mr. BONIOR.

H.R. 1516: Mr. WILSON and Mr. PETERSON of Florida.

H.R. 1523: Mr. MARLENEE and Mr. BROOMFIELD.

H.R. 1531: Mr. ECKART, Mr. YOUNG of Alaska, and Mr. COSTELLO.

H.R. 1570: Mr. FISH, Mr. SCHEUER, Mr. WISE, Mr. WILSON, Mr. GEREN of Texas, Mr. SOLOMON, and Mr. GINGRICH.

H.R. 1608: Mr. GUNDERSON, Mr. SCHIFF, Mr. HOCHBRUECKNER, Mr. RICHARDSON, Mr. SMITH of New Jersey, Mr. SHAW, Mr. DYMALLY, and Mr. WILSON.

H.R. 1663: Mr. McCLOSKEY.

H.R. 1719: Mr. PRICE and Mr. ARMEY.

H.R. 1771: Mr. ANNUNZIO, Mr. BRYANT, Mr. GILCHREST, Mr. GRADISON, Mr. MACHTLEY, Mr. PALLONE, Mr. PEASE, Mr. PRICE, Mr. VALENTINE, and Mr. WYLIE.

H.R. 1779: Mr. SERRANO and Mr. NATCHER.

H.R. 1802: Mr. UPTON.

H.R. 1820: Mr. KOLTER, Mr. FORD of Tennessee, Mr. ABERCROMBIE, Mr. DICKS, Mr. RANGEL, Mr. MILLER of Washington, and Mr. WOLPE.

H.R. 1840: Mr. BAKER.

H.R. 1968: Mr. CAMPBELL of California.

H.R. 2008: Mr. ZIMMER and Mr. COX of California.

H.R. 2011: Mr. KILDEE.

H.R. 2029: Ms. NORTON.

H.R. 2030: Mr. RANGEL.

H.R. 2076: Mr. ACKERMAN, Mr. STARK, Ms. KAPTUR, Mr. ESPY, Mr. BOEHNER, Mr. TORRES, and Mr. SERRANO.

H.R. 2188: Mr. HUNTER.

H.R. 2212: Ms. DELAURO and Mr. RAMSTAD.  
H.R. 2222: Mr. SANTORUM, Mr. COX of California, Mr. ARMEY, and Mr. KOLBE.

H.R. 2243: Mr. JEFFERSON, Mr. TOWNS, and Mr. DELLUMS.

H.R. 2279: Mr. OLVER, Mr. GEJDENSON, and Mr. LANTOS.

H.R. 2296: Mr. JONTZ, Mr. BERMAN, Mr. DELLUMS, Mr. HAYES of Illinois, Mr. LEHMAN of Florida, Mr. STARK, Mr. EMERSON, and Mr. TRAFICANT.

H.R. 2305: Mr. PETRI.

H.R. 2315: Mr. BEILENSEN, Mr. SLATTERY, and Mr. LEVINE of California.

H.R. 2333: Mr. BUSTAMANTE, Mr. LEACH, and Ms. KAPTUR.

H.R. 2363: Mr. MINETA, Mr. MARTIN, Mr. BILBRAY, Mr. SAXTON, Mr. ALLARD, and Mr. MFUME.

H.R. 2380: Mr. KOSTMAYER and Ms. KAPTUR.

H.R. 2391: Mr. BLAZ.

H.R. 2392: Mr. BLAZ.

H.R. 2452: Mr. PENNY, Mr. MILLER of California, and Mr. WILSON.

H.R. 2499: Mr. KYL, Mr. JEFFERSON, Mr. MARTIN, Mr. BROWN, and Mr. SMITH of Florida.

H.R. 2511: Mr. KOLTER, Mr. KLUG, Mrs. LOWEY of New York, and Mr. ESPY.

H.R. 2513: Mr. ECKART and Mr. MURTHA.

H.R. 2515: Mr. COSTELLO, Mr. NEAL of North Carolina, Mr. KILDEE, Mr. HUGHES, Mr. NOWAK, and Mr. KANJORSKI.

H.R. 2542: Mr. DWYER of New Jersey and Mr. LAGOMARSINO.

H.R. 2553: Mr. RANGEL.

H.R. 2578: Mr. MCCLOSKEY.

H.R. 2579: Mr. GILLMOR.

H.R. 2584: Mrs. LLOYD and Ms. KAPTUR.

H.R. 2598: Mr. SCHAEFER, Mr. SKEEN, Mr. ZIMMER, Mr. SAXTON, Mr. ROTH, Mr. JEFFERSON, Mr. McMILLAN of North Carolina, Mr. JOHNSON of Texas, and Mr. TRAFICANT.

H.R. 2629: Mr. RAVENEL, Mr. RAMSTAD, Mr. HORTON, Mr. ANNUNZIO, Mr. TOWNS, Mr. LIPINSKI, Mr. FRANK of Massachusetts, Mr. SCHEUER, Mr. MAVROULES, and Mr. BRUCE.

H.R. 2630: Ms. ROS-LEHTINEN, Mr. MCGRATH, Mr. RANGEL, Mr. MANTON, Mr. HOCHBRUECKNER, Mr. WEISS, Mr. BERMAN, Mr. HORTON, Mr. GREEN of New York, Mr. LAGOMARSINO, Mr. SCHUMER, and Mr. HYDE.

H.R. 2737: Mr. DORGAN of North Dakota.

H.J. Res. 1: Mr. BONIOR, Mr. CAMPBELL of California, Mr. CARPER, Mr. COX of Illinois, Mr. HOCHBRUECKNER, Mr. MORRISON, Mr. PANNETTA, Mr. PRICE, and Mr. WISE.

H.J. Res. 152: Mr. LEWIS of California, Mr. LIPINSKI, and Mr. COX of California.

H.J. Res. 212: Mr. HUGHES, Mr. MACHTLEY, Mr. MCCLOSKEY, Mr. SYNAR, Mr. HUBBARD, Mr. BROOMFIELD, Mr. SUNDQUIST, Mr. WOLF, Mr. MCDADE, Mr. KANJORSKI, Mr. KENNEDY, Mr. PURSELL, Mr. MFUME, Mr. GUARINI, Mr. MCMILLEN of Maryland, Mr. McNULTY, Mr. BACCHUS, Mr. SPRATT, Mr. PICKETT, Mr. ROBERTS, Mr. ANTHONY, and Mr. DWYER of New Jersey.

H.J. Res. 239: Mr. MCMILLEN of Maryland, Mr. COX of Illinois, Mr. ASPIN, Mr. TOWNS, and Mr. WILLIAMS.

H.J. Res. 241: Mr. STAGGERS, Mr. FISH, Mr. KENNEDY, Ms. NORTON, and Mr. MFUME.

H.J. Res. 263: Mr. JONES of Georgia, Mr. CONYERS, Mr. LIPINSKI, Ms. NORTON, Mr. BUSTAMANTE, Mr. BALLENGER, Mr. JEFFERSON, Mrs. SCHROEDER, and Mr. SPRATT.

H.J. Res. 264: Mr. BEILENSEN, Mr. BUSTAMANTE, Mr. DWYER of New Jersey, Mr. FUSTER, Mr. GEPHARDT, Mr. GOODLING, Mr. LAGOMARSINO, Mr. MOODY, Mrs. MORELLA, Mr. MRAZEK, Mr. ORTON, Mr. PAYNE of Virginia, Mr. SHAYS, and Mr. CARPER.

H. Con. Res. 96: Mr. FISH.

H. Con. Res. 146: Mr. BREWSTER, Mr. WEBER, and Mr. ESPY.

H. Con. Res. 150: Mr. DORGAN of North Dakota, Mr. EDWARDS of California, Mr. JONTZ, Mr. KILDEE, Mr. OWENS of Utah, Ms. PELOSI, Mr. SLATTERY, Mr. TOWNS, and Mr. TRAFICANT.

H. Con. Res. 168: Mr. DORGAN of North Dakota, Mr. EMERSON, Mr. GLICKMAN, Mrs. SCHROEDER, Mr. COX of Illinois, Mr. PETERSON of Florida, Mrs. MORELLA, and Mr. TOWNS.

H. Con. Res. 170: Mr. BALLENGER and Mr. SCHAEFER.

H. Res. 87: Mr. JACOBS.

H. Res. 167: Mrs. LLOYD, Mr. PALLONE, and Mr. SANGMEISTER.

## DELETIONS OF SPONSORS FROM PUBLIC BILLS AND RESOLUTIONS

Under clause 4 of rule XXII, sponsors were deleted from public bills and resolutions as follows:

H.R. 2510: Mr. MATSUI.

## PETITIONS, ETC.

Under clause 1 of rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

94. By the SPEAKER: Petition of Fraternos Del Torito, relative to the conflict in the Persian Gulf; to the Committee on Foreign Affairs.

95. Also, petition of Robert William Peters of Florida, relative to a common law petition for a writ of habeas corpus; to the Committee on the Judiciary.